

State of South Carolina
In the Court of APPEALS
From ALLENDALE County

HONORABLE PERRY M. BUCKNER, CIRCUIT COURT JUDGE

THE STATE RESPONDENT

V.

LAPARIS S. FLOWERS, APPELLANT

APPELLATE CASE NO. 2018-00099

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APR 08 2020
SC Court of Appeals

DESIGNATION OF MATTER TO BE INCLUDED IN APPEAL

This designation clearly identify what party desires
to have included in the record on appeal and the designation
only include portions of the transcript. Pg 546, lines 1..20).
Page 589, lines 1...25.

S.C. Attorney General
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Clerk, SC Court of Appeals

P.O. Box 11629
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March 31, 2020

Bishopville, SC

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Filing Appellate Court Rule 209 SCACR 209

Rule 209. Designation of Matter to be Included in the Record on Appeal (A)

I am giving the Court and Parties judicial notice that pursuant to Appellate Court Rule 209, I served on all parties to the appeal a Designation of Matter to be included in the Record on Appeal which shall set forth with specificity those parts of the transcripts, pleadings, orders, exhibits, or other material which he proposes to include in the Record on Appeal. One copy of this Designation with proof of service shall immediately be filed with the clerk of the appellate court.

This Designation must clearly identify what the party desires to have included in the Record on Appeal and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other material which may be properly included in the appeal. A party shall not include any matter in his Designation which is not relevant to the appeal.

Presentation for Review

Defendant failed to preserve for appellate review his claim that he was prejudiced by admission of crime scene video and autopsy photographs although defendant objected to such evidence at murder trial where defendant failed to include the challenged exhibits in his Designation of Matter to be included in the Record on Appeal as neither the crime scene video nor the autopsy photographs appeared in the record. State v. Hawes (S.C. App. 2018) 813 S.E.2d 513.

COLLOQUY

1 THE COURT: Thank you. Good morning and please
2 be seated.

3 Let the record reflect that yesterday afternoon
4 for sometime, I had a charge conference with the
5 attorneys involved in the trial of this case. They
6 have agreed to the charge.

7 They have agreed to the verdict form. We have
8 also agreed to the oral argument. The State will
9 argue first. They asked for 30 minutes, which I told
10 them is fine, followed by a closing argument by
11 counsel for the Defendant, who will also have 30
12 minutes.

13 There was one addition to the charge this
14 morning. They asked me to give them copies of my
15 charge, which I was happy to do so. I have been over
16 that addition to the charge, which involves the fact
17 that the inference of malice is a wrongful
18 presumption. They both agree that should be added.
19 I met with them this morning concerning that addition
20 in chambers.

21 Now, ladies and gentlemen, the courtroom is a
22 public place, and we invite the public to be here.
23 But we do not tolerate any emotional outbursts of any
24 kind during trial, or when a verdict is published.
25 If you cannot control your emotions, then I suggest

CLOSING ARGUMENT BY THE DEFENSE

1 I intend to explain to the jury that it is not a
2 conclusive presumption in part of my charge on
3 murder, when I get to the point that malice can be
4 inferred from the use of a deadly weapon.

5 Both lawyers have indicated to me they agree
6 with that addition to the charge in our conference
7 this morning.

8 Since you have agreed to the verdict form and
9 you've agreed to the contents of the charge, I think
10 we are ready to proceed.

11 Anything further from the State?

12 MS. LEGETTE: Not from the State, Your Honor.

13 THE COURT: From the Defendant?

14 MR. KOGER: Not from the Defendant, Your Honor.

15 THE COURT: All right. Bring us the jury,
16 please.

17 (The Jury enters the courtroom.)

JURY CHARGE BY THE COURT

18 THE COURT: All right. Ladies and gentlemen,
19 Madam Foreperson, it is now my duty to charge you on
20 the law of this case.

21 The State of South Carolina has charged the
22 Defendant, Laparis Flowers, with murder in Indictment
23 Number 2014 GS 0300229; attempted murder in
24 Indictment Number 2014 GS 0300233; attempted murder
25

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The undersigned hereby certifies that on March 31, 2019, true and correct copies of the Rub 209 Designation of Matter were served by depositing the same in the prison mail system, postage prepaid, to the following addresses:

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PO Box 11549
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Clerk, S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

March 31, 2020
Bishopville, SC

/s/

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625291-11252

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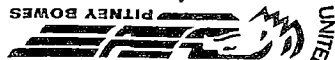
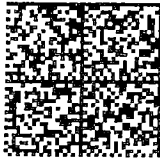
SC Court of Appeals

Jenny ABBOTT KITCHINGS
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