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Apr 28 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable R. Markley Dennis, Jr., Circuit Court Judge

THE STATE,

Respondent,

vs.

SIDNEY ST. CLAIR MOORER,

Appellant.

Appellate Case No. 2019-001636

**MOTION TO AMEND RESPONDENT'S
DESIGNATION OF MATTER AND MOTION
FOR AMENDED TRANSPORTATION ORDER**

Respondent now moves to amend its designation of matter to include two DVD videos introduced by the State at trial that Respondent cited and discussed in its brief, but neglected to designate for the record. Respondent also moves for this Court to issue an amended transportation order so the Attorney General's Office may arrange to have these additional exhibits transported to this Court along with the other exhibits in this Court's original transportation order.

I.

Both sides prepared initial briefs and their respective designation of matter. Respondent made reference and discussed both State's Exhibit 192 (DVD surveillance at the Moorer

residence) and State's Exhibit 197 (DVD showing SD card error message) in Respondent's initial brief, but in preparing the designation of matter, Respondent neglected to include both of these exhibits.

II.

Concomitantly with this motion, Respondent is submitting an amended designation of matter to include both aforementioned exhibits. Respondent would respectfully request this Court to accept the amended designation of matter.

III.

Respondent also would request this Court to issue an amended transportation order to include these exhibits. This Court recently issued a transportation order dated March 23, 2021 for release and transportation of 19 exhibits. Our office has not yet picked up those exhibits listed in the March 23 order. Respondent would therefore respectfully request this Court to issue an Amended Order of Transportation adding State's Exhibits 192 (DVD surveillance/Moorer) and State's Exhibit 197 (DVD SD card video) to the original list of exhibits to be transported per this Court's March 23 order.

IV.

Undersigned counsel consulted with opposing counsel, Taylor Gilliam, Esquire, and Mr. Gilliam has graciously consented to Respondent's motion.

WHEREFORE, Respondent prays that this Court accept Respondent's Amended Designation of Matter and also issue an Amended Order of Transportation; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

BY: 

DAVID SPENCER

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Post Office Box 11549
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ATTORNEYS FOR RESPONDENT

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Appellant.

Appellate Case No. 2019-001636

**RESPONDENT'S AMENDED DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Respondent proposes the following to be included in the Record on Appeal:

- (1) Obstruction of Justice sentencing sheet: 2017-GS-26-1320;
- (2) State's Exhibit No. 7 (Reis e-mail), entered during April 2016 hearing;
- (3) Trial transcript, September 9, 2019: p. 12; pp. 106-109; pp. 1393-94; pp. 1531-35;
- (4) State's Ex. No. 1 (DVD interview);
- (5) State's Ex. No. 33 (Aerial map);
- (6) State's Ex. Nos. 35-37 (photographs of car);
- (7) State's Ex. No. 55 (DVD interview);
- (8) State's Ex. No. 60 (Wal-Mart video);
- (9) State's Ex. No. 61 (Kangaroo/payphone video);
- (10) State's Ex. No. 62 (Wal-Mart receipt);
- (11) State's Ex. No. 64 (Melson slide presentation);
- (12) State's Ex. No. 66 (Aerial map);
- (13) State's Ex. Nos. 91-95 (photographs);
- (14) State's Ex. No. 123 (Frederick's report);

- (15) State's Ex. No. 124 (Frederick's report on DVD);
- (16) State's Ex. No. 127 (Arial map);
- (17) State's Ex. No. 192 (DVD surveillance/Moorer);**
- (18) State's Ex. No. 197 (DVD SD card video).**

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

JIMMY A. RICHARDSON, II
Solicitor, Fifteenth Judicial Circuit

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The Honorable R. Markley Dennis, Circuit Court Judge

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THE STATE,

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v.

SIDNEY ST. CLAIR MOORER,

Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the within Motion To Amend Respondent's Designation Of Matter And For Amended Transportation Order and the Amended Designation Of Matter To Be Included In The Record On Appeal on Taylor D. Gilliam, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS

I further certify that all parties required by Rule to be served have been served.
This 26th day of April, 2021.



Anne A. Mueller
Legal Assistant

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Apr 28 2021

SC Court of Appeals

From: [Anne Mueller](mailto:amueller@scag.gov)
To: [Taylor D. Gilliam \(tgilliam@sccid.sc.gov\)](mailto:tgilliam@sccid.sc.gov)
Cc: [Stock, Chris \(cstock@sccid.sc.gov\)](mailto:cstock@sccid.sc.gov); [Victim Services](#); [David Spencer](#); [William Blitch \(wblitch@scag.gov\)](mailto:wblitch@scag.gov); [Anne Mueller \(amueller@scag.gov\)](mailto:amueller@scag.gov)
Subject: State v. Sidney St. Clair Moorner, 2019-001636
Date: Wednesday, April 28, 2021 10:56:00 AM
Attachments: [Moorner Sidney - Motion to Amend Respondent's DOM And For Amended Transport Order and Respondent's Amended Designation of Matter \(02554557xD2C78\).PDF](#)

Good morning, Mr. Gilliam.

Attached to this email is the State's Motion To Amend Respondent's Designation Of Matter And Motion For Amended Transportation Order and our Amended Designation of Matter. This document will be filed with the Court later today.

If you don't mind, please confirm your receipt of this email and the attachment by return email.

Thank you for your cooperation.

Sincerely,

Anne Mueller, Legal Assistant for David Spencer, Senior Assistant Attorney General



Anne A. Mueller
Legal Assistant, Criminal Appeals Division
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(803) 734-3922