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Dec 12 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County
Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ARIEL S. ROBINSON,

APPELLANT

APPELLATE CASE NO. 2022-000716

CONSENT MOTION TO TRANSPORT
SEALED EXHIBITS

Appellant moves this Court to transport sealed exhibits to allow for inspection of the exhibits by counsel of record for both parties to the appeal to determine whether any issue relating to the exhibits should be filed as part of Appellant's direct appeal. In support of Appellant's motion, Appellant provides this Court with a copy of the order removing the exhibits from the public record (Exhibit #1) and a copy of an email exchange between appellate counsel's staff and the Greenville County Clerk of Court's staff (Exhibit #2). Appellant discussed this matter with William M. Blich, Jr., Esquire of the Attorney General's Office. Mr. Blich consents to the transporting of the sealed exhibits and the inspection of the sealed exhibits by counsel.

Appellant was charged with homicide by child abuse. Prior to trial, the state moved to admit certain photographs and defense counsel moved to exclude certain photographs. The Honorable Letitia H. Verdin convened a hearing on the motions on April 14, 2022. After the hearing, Judge Verdin, on her own motion and at the request of Paul B. Wickensimer, Clerk of Court for Greenville

County, issued an order allowing the Clerk of Court to exempt State's Exhibits #1 through #6 and Court's Exhibits #1 through #3 from the public record and substitute for them the general description listed on the exhibit list. See Exhibit #1.

When appellate counsel sought to review the exhibits, appellate counsel was informed that the Clerk of Court considered the exhibits to have been placed under seal. See Exhibit #2. In light of the Clerk of Court's statements regarding the exhibits being placed under seal and requesting an order to unseal, Appellant files this motion with Respondent's consent.

In order to determine whether to raise an issue concerning the admissibility of the photographs in her brief, appellate counsel needs to review the exhibits to determine whether such an issue has merit. It is in the best interest of all parties to have appellate counsel review the documents prior to deciding whether to raise the issue on appeal.

Appellant respectfully requests the sealed exhibits (State's Exhibits #1 through #6 and Court's Exhibits #1 through #3 from the April 14, 2022, hearing) be transported to this Court while remaining under seal. Appellant further requests this Court allow for inspection of the sealed exhibits by counsel of record for both parties to the appeal. Appellant has attached a proposed transportation order for this Court's consideration. Further, Appellant respectfully requests the timelines for filing the initial brief of appellant and designation of matter be held in abeyance pending resolution of this motion.

Respectfully submitted,



Susan Barber Hackett
Attorney for Appellant

December 12, 2022.

I consent:



William M. Blich, Jr., Esquire

EXHIBIT #1

22 APR 14 PM 12:48
Paul Wickensimer Doc 606 SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
)
)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT

State of South Carolina,

vs.

Ariel Robinson

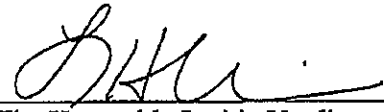
Defendant

ORDER

2021-GS-23-06831
2021A2320400037

This matter comes before the Court upon its own motion and at the request of Paul B. Wickensimer, Clerk of Court for Greenville County, under S.C.R. App. P. 606(h) for an Order allowing him to exempt specific photographs contained in the exhibits related to the above-captioned case from the public record and substitute for them a general description. The Court finds that said photographs (State's Exhibits #1 through 6 and Court's Exhibits 1 through 3) are of a minor victim and are sensitive in nature, and should not be part of the public record of this case. Therefore, the Court orders, pursuant to S.C.R. App. P. 606(h), that the Clerk of Court be allowed to exempt the photographs named above from the public record and substitute for them the general description listed on the exhibits list.

IT IS SO ORDERED.



The Honorable Letitia Verdin
Thirteenth Judicial Circuit

Dated: 4/14/22
Greenville, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF Greenville)

IN THE General Sessions COURT
CASE NO 2021-63-23-6031
2021Aa 32040039

EXHIBIT RECEIPT

PLAINTIFF State
DEFENDANT Ariel Robinson
JUDGE Verdin

COURT REPORTER: Cheryl Smith
DATE: 4-14-22

Plaintiff/Petitioner/State Exhibits	Defendant/Respondent Exhibits	Court Exhibits
1 Photo	A1 Diagram	A1 Photo
2 Photo	A2 Diagram	A2 photo
3 Photo	A3	A3 photo
4 Photo	A4	A4
5 Photo	A5	A5
6 Photo	A6	A6
7	A7	A7
8	A8	A8
9	A9	A9
10	A10	A10
11	A11	A11
12	A12	A12
13	A13	A13
14	A14	A14
15	A15	A15
16	A16	A16
17	A17	A17
18	A18	A18
19	A19	A19
20	A20	A20
21	A21	A21
22	A22	A22
23	A23	A23
24	A24	A24
25	A25	A25

Mary [Signature]
Clerk of Court

Cheryl Smith

4/14/22
Date Received

EXHIBIT #2

Hackett, Susan

From: Diachenko, Christy <CDiachenko@greenvillecounty.org>
Sent: Tuesday, November 22, 2022 9:25 AM
To: Flynn, Sean
Subject: RE: [External] RE: Ariel Robinson
Attachments: Case File Ariel Robinson 2021-GS-23-06831.pdf

Hi, Sean,

I've attached the case file for Ariel Robinson. As for the hearing exhibits, there was actually an order to seal them which is included in the case file. We would need an order to un-seal if you need those as well.

Have a wonderful Thanksgiving!
Christy

Christy R. Diachenko
Administrative Manager
Greenville County Clerk of Court
Criminal Records Division
305 E. North St.
Greenville, SC 29601
864-467-8752

"Be kinder than necessary, for everyone you meet is fighting some kind of battle."

From: Flynn, Sean <sflynn@sccid.sc.gov>
Sent: Thursday, November 17, 2022 12:27 PM
To: Diachenko, Christy <CDiachenko@greenvillecounty.org>
Subject: RE: [External] RE: Ariel Robinson

CAUTION: This email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

No worries and no rush on the other hearing exhibits or the public index docs until you have time and are back in the office. They aren't indictments – mostly motions and responses to motions and order denying motions. Please enjoy your vacation! Have a great time and a Happy Thanksgiving.

From: Diachenko, Christy <CDiachenko@greenvillecounty.org>
Sent: Thursday, November 17, 2022 12:23 PM
To: Flynn, Sean <sflynn@sccid.sc.gov>
Subject: Re: [External] RE: Ariel Robinson

Hi Sean,

I will look into this when I get back next week. I was in a rush trying to get those exhibits copied for you before I went on vacation, and I must have missed the Public Index part of your request. Did you just want copies of the indictment files? If so, I should be able to email that to you.

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Letitia H. Verdin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ARIEL S. ROBINSON,

APPELLANT

APPELLATE CASE NO. 2022-000716

O R D E R

On motion of Susan B. Hackett, attorney for appellant, it is hereby ORDERED that **STATE'S EXHIBITS #1 - #6 (PHOTOS); and COURT'S EXHIBITS #1 - #3 (PHOTOS) from the April 14, 2022 hearing before Judge Letitia H. Verdin** be released to the Office of the Attorney General, or its designee, for transporting to the Court of Appeals of South Carolina while remaining under seal for purposes of review by the Court, appellate counsel, and a representative of the Attorney General's Office for the above-captioned case.

H. BRUCE WILLIAMS, CHIEF JUDGE

By _____
CLERK

Columbia, South Carolina

December 12, 2022

Copies to: The Honorable Paul B. Wickensimer
Susan B. Hackett, Esquire
William M. Blich, Jr., Esquire

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STATE OF SOUTH CAROLINA

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned attorney hereby certifies that a true copy of the motion to transport sealed exhibits in the above referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), which is wblitch@scag.gov; and Ariel Robinson, #387938, at Leath Correctional Institution, 2809 Airport Road, Greenwood, South Carolina, 29649, this 12th day of December, 2022.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [SC - BLITCH WILLIAM](#); [SC - COLLINS CAROLINE](#)
Cc: [Hackett, Susan](#)
Subject: Robinson Ariel - Motion to Transport Sealed Exhibits and Proposed Transportation Order - 2021-000716
Date: Monday, December 12, 2022 4:44:00 PM
Attachments: [Robinson Ariel - Motion to Transport Sealed Exhibits and Proposed Transportation Order - 2021-000716.PDF](#)

Mr. Blitch,

Please find attached for service the Motion to Transport Sealed Exhibits and Proposed Transportation Order for Ariel Robinson's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock

Administrative Assistant
Commission on Indigent Defense
Appellate Division
(803) 734-1330