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SC Court of Appeals

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**Cc:** [caperslaw@yahoo.com](mailto:caperslaw@yahoo.com)  
**Subject:** Fwd: STATE V. AARON MCKENZIE CAPERS; Appellate Case No. 2019-000511  
**Date:** Tuesday, March 21, 2023 8:12:58 PM

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\*\*\* **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

To the Honorable Jenny Abbott Kitchings,

I have no idea why the attachments were missing on the email from me dated March 10, 2023 and sent at 8:11 P.M. I will send those attachments tomorrow by separate email. Once again, they are not properly attaching to this email on command. Apparently I am going to have to get help over here tomorrow to get them out. As you will see when you get a chance to read them, I gave a detailed explanation as why additional time was needed for me to complete the the ROA in this matter. I should also note that my Motion addressed my request that the report issued following Appellant's evaluation be submitted under seal. It was my understanding that request would stay the deadline for the service and submission of the ROA, but I requested a continuance just in case that was not accurate and because I needed additional time to finish compiling the ROA once I received the letters which comprised Court's Exhibit No. 1 and a proposed affidavit from Sharon Capers attesting to the fact that the copies of the letters provided to me by her constituted an accurate copy of all the correspondence which was marked as Court's Exhibit No. 1 at the instruction of Judge Dennis.

Please advise me if I needed to do anything further to insure this ROA will be accepted by the Court. Trial Counsel,

Sharon Capers, sent me the letters necessary for me to reconstruct Court's Exhibit 1, the missing exhibit in this matter, a few times and each time I was unable to open the attachments to her transmittal emails. They were sent using software I was unfamiliar with. When I was finally able to open the attachments to one of her last emails, they were in an email where each document was attached separately. As I opened the attachments, I found that some of the letters appeared to be duplicates and then I realized there were actually two letters from some of the people who wrote supporting Appellant prayer for reconsideration. It was apparent that those people had submitted letters for the original sentencing proceeding and another for the hearing on the Motion for Reconsideration of Sentence. There was nothing in Ms. Capers' email to advise me whether *both* letters written by those people had been submitted in support of reconsideration. There was one letter that was incomplete and did not provide the name of the author. Before I could get clarification from Ms. Capers on those points, she sent me another email advising me that she had found a copy of the letters actually submitted as the packet marked Court's Exhibit No. 1. She said she was mailing me a hard copy since I had experienced difficulty opening the attachments to her earlier emails. I have checked my mail up through today's date and my office has not received the hard copies of these letters. ***By copy of this email, I am asking Ms. Capers to verify that a hard copy of the letters in question was mailed after her email telling me she was sending them out. If they were mailed, then I ask that she let me know if they were returned to her for some reason. If not, I ask that she send them out by overnight mail as time has obviously become a major consideration.***

I have been sent a copy of the Response in Opposition to Reconsideration of Sentence, with attachments, referenced in the Designation of the Matter submitted by the State. A reconstructed version of Court's Exhibit No. 1, with the affidavit attesting to its accuracy, and the Court's decision on my request to submit the report from my client's evaluation under seal, are the only things holding me up in getting the ROA completed and to the printer. Please see what should have been attached to my email to the Court drafted March 9, 2023 and submitted March 10, 2023, attached to this submission. Once again, please let me know what if anything else I need to do to be sure the ROA may be served and filed as soon as I receive these items, number the pages, complete the index and have this lengthy ROA printed. Everything else has been redacted for personal information and is in proper order for numbering and printing. Thank you very much for your time in consideration of this lengthy email.

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