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May 04 2023

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

May 4, 2022

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

RE: State v. Aaron McKenzie Capers – Appellate Case No. 2019-000511

Dear Ms. Kitchings:

The State is in receipt of this Court's letter from earlier today requesting a status update from counsel in the above-referenced criminal appeal. Please be advised counsel for the Appellant provided the State with electronic copies of the documents Appellant wishes to use in lieu of Court's Exhibit # 1 on the evening of May 2, 2023. Upon receiving those documents, the undersigned counsel immediately forwarded them to Deputy Solicitor Anne Williams of the Ninth Circuit Solicitor's Office, who prosecuted Appellant's case, for her review. Deputy Solicitor Williams has now reviewed those documents and indicated she is comfortable with them being included in the Record on Appeal in lieu of the original copy of Court's Exhibit # 1, which cannot currently be located. Therefore, the State has no objection to the documents—an affidavit and accompanying letters—being included in the Record on Appeal in place of the missing exhibit, and the undersigned counsel has conveyed that position to counsel for Appellant. Thanks, and, if you have any questions or need any further information from me, please just let me know.

Sincerely,

Mark R. Farthing  
Assistant Deputy Attorney General  
S.C. Bar Number 76901

MRF/

cc: Tara D. Shurling, Esquire (via email service)  
Victim Advocacy Division

**From:** [Mark Farthing](#)  
**To:** [tdshurling@aol.com](mailto:tdshurling@aol.com); [tdslaw@shurlinglaw.com](mailto:tdslaw@shurlinglaw.com)  
**Cc:** [Caroline Collins](#)  
**Subject:** State v. Aaron McKenzie Capers Appeal (Appellate Case # 2019-000511) -- State's Response Letter to Court's Request for Status Update from Counsel  
**Date:** Thursday, May 4, 2023 6:16:00 PM  
**Attachments:** [Capers.Status Update Letter \(03284034xD2C78\).PDF](#)  
[image001.png](#)

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Ms. Shurling,

Attached is an electronic copy of a letter containing the State's response to the Court of Appeals's letter from earlier today requesting a status update from counsel in the State v. Capers appeal. I'll be filing that letter shortly with the Court of Appeals via the electronic filing system. Thanks, and please just let me know if you have any questions or need any additional information.

Sincerely,  
Mark

**MARK R. FARTHING**, Assistant Deputy Attorney General  
South Carolina Attorney General's Office  
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