

RECEIVED

Oct 11 2024

SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1345

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

October 11, 2024

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211
(via email filing)

Re: The State v. Eric Anton Graham
Appellate Case No. 2023-000160

Dear Ms. Kitchings:

Please accept this letter as a response to the Court's October 8, 2024, email regarding transportation of exhibits. Undersigned counsel mistakenly and inadvertently designated three items of physical evidence that are not necessary for the appeal. State's Exhibit #8 (box and gun); State's Exhibit #10 (cartridge casing); and State's Exhibit #16 (GSR kit) are not necessary and should not have been designated. Undersigned counsel has communicated with opposing counsel, Tommy Evans, Jr., about this matter and he concurs. These three exhibits do not need to be transported. Because there was no index in the transcript for State's Exhibits #1 – 18 (exhibits from the 1998 trial), the undersigned is attaching the 1998 Exhibit Record and Receipt Form for clarity.

Opposing counsel has graciously consented to undersigned counsel's Motion to Supplement the Record on Appeal and the filing of a Supplemental Record on Appeal, which are being filed contemporaneously with this letter. The Supplemental Record on Appeal contains: State's Exhibit #1 (Miranda waiver- Eric Graham); State's Exhibit #4 (Miranda waiver- Ernestine McDonald); State's Exhibit #9 (SLED report- latent print department); State's Exhibit #11 (SLED report- firearms department); State's Exhibit #12 (SLED report- toxicology department); State's Exhibit #17 (SLED report- trace department); State's Exhibit #18 (autopsy report); State's Exhibit #19 (indictment- weapons); State's Exhibit #20 (sentence sheet- weapons); State's Exhibit #21 (bond form 07/19/1996); State's Exhibit #22 (Hartsville Magistrate case history); State's Exhibit #23 (DMV driving record); State's Exhibit #24 (bond form 12/12/1996); State's Exhibit #25 (bond certificate 12/12/1996); State's Exhibit #26 (indictment- armed robbery); State's Exhibit #27 (indictment- weapon/carrying concealed);

State's Exhibit #28 (final disposition form); State's Exhibit #29 (bond form- 06/10/1998).

Therefore, should the Court grant the Motion to Supplement the Record on Appeal and accept the Supplemental Record on Appeal, the only exhibits that will need to be transported are: State's Exhibit #2 (Photo 8 x 10); State's Exhibit #3 (Photo (Sm)); State's Exhibit #5 (Diagram (Lg)); State's Exhibits #6 – 7 (Photos (Glass doors)); State's Exhibits #13 – 15 (Photos (Victim)); and Defense Exhibit #2 (Photographs 2 pgs). Opposing counsel has also graciously consented to the filing of a new proposed transportation order, and undersigned counsel is contemporaneously filing a new proposed transportation order.

I do apologize for the inconvenience. Please do not hesitate to contact me if I may be of any further assistance with this matter.

Sincerely,



Joanna K. Delany
Appellate Defender

JKD/sm

Cc: Tommy Evans, Jr., Esquire

Enclosure: 1998 Exhibit Record and Receipt Form

COURT OF GENERAL SESSIONS

EXHIBIT RECORD AND RECEIPT FORM

PLAINTIFF The State

DEFENDANT Eric A. Graham

ATTORNEY B. W. Blackmon

ATTORNEY Karl Smith

CASE NO. 97-0023-97-0024

JUDGE Paul Burch

DATE STARTED 8-24-98

COURT REPORTER Annette Herndon

DATE ENDED 8-27-98

State's

COURT'S EXHIBITS

DEFENDANT'S EXHIBITS

1 Miranda Rts. Form ✓

1. _____

2 Photo PK10 ✓

2. _____

3 Photo (sm) ✓

3. _____

4 Miranda Rts. Form ✓

4. _____

5 Diagram (Lg) ✓

5. _____

6 Photos ✓

6. _____

7 (glass doors) ✓

7. _____

8 Box + Gun ✓

8. _____

9 SLED REPORT ✓

9. _____

10 Cartridge casing ✓

10. _____

11 SLED REPORT ✓

11. _____

12 SLED REPORT ✓

12. _____

13 ✓

14 Photos (Victim) ✓

13 1/4 A Photo Blow-Up ✓

15 ✓

14 1/4 A Photo Blow-Up ✓

16 GSR Kit ✓

16. _____

17 SLED REPORT ✓

17. _____

18 Autopsy Report ✓

18. _____

19. _____

19. _____

20. _____

20. _____

Annette Herndon

Karl Smith

COURT REPORTER

CLERK OF COURT

PAGE _____ OR _____ PAGES

DATE 8/27/98