

Kitchings, Jenny

From: Kathrine H. Hudgins <KHudgins@sccid.sc.gov>
Sent: Thursday, November 07, 2013 10:17 AM
To: Kitchings, Jenny; Mark Farthing
Subject: RE: Exhibits in State v. Cesar Orlando Portillo -- Appellate Case No. 2011-196447

I agree.

Kat Hudgins

Kathrine Haggard Hudgins, Appellate Defender
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From: Kitchings, Jenny [<mailto:jkitchings@sccourts.org>]
Sent: Thursday, November 07, 2013 9:54 AM
To: Mark Farthing
Cc: Kathrine H. Hudgins
Subject: RE: Exhibits in State v. Cesar Orlando Portillo -- Appellate Case No. 2011-196447

Mr. Farthing:

If Ms. Hudgins agrees, we would be happy to issue an order returning the exhibits we did not request to the trial clerk.

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
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Columbia, SC 29201
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jkitchings@sccourts.org

From: Mark Farthing [<mailto:mfarthing@scag.gov>]
Sent: Wednesday, November 06, 2013 5:53 PM
To: Kitchings, Jenny
Cc: khudgins@sccid.sc.gov
Subject: Exhibits in State v. Cesar Orlando Portillo -- Appellate Case No. 2011-196447

Ms. Kitchings,

The Court of Appeals issued an order in the above-referenced case ordering the Dorchester County Clerk of Court to release State's Exhibit # 2 (Forensic Interview DVD) to the Attorney General's Office for transportation to the Court. Following the issuance of the order, the Dorchester County Clerk of Court released the designated exhibit along with two additional exhibits that were not designated for release: Court's Exhibit # 2 and State's Exhibit # 1. Court's Exhibit # 2 is a jury note indicating which juror was selected as the jury foreman, and State's Exhibit # 1 is a report marked for identification but never admitted into evidence during trial.

Our office will deliver all of the released exhibits to the Court tomorrow morning. However, because the two additional exhibits were improperly released, it may be necessary for this Court to issue an order for the erroneously-released exhibits to be returned to the Dorchester County Clerk of Court. Our Office will wait for further guidance on the matter from the Court, and if you need any additional information or anything else, please just let me know.

Sincerely,
Mark

Mark R. Farthing
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