

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

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Appeal from Beaufort County  
Honorable Brooks P. Goldsmith, Circuit Court Judge  
Appellate Case No. 2023-000475

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THE STATE,

Respondent,

vs.

THOMAS LOUIS DAVIS,

Appellant.

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**MOTION TO PERMIT THE INCLUSION  
OF COPY OF EXHIBIT  
IN THE RECORD ON APPEAL**

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Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

On March 13, 2023, Appellant Thomas Louis Davis was brought to trial for assault and battery and resisting arrest in the Beaufort County Court of General Sessions with the Honorable Brooks Goldsmith, circuit court judge, presiding. At the conclusion of trial, the jury found Appellant guilty of resisting arrest and not guilty of assault and battery, the trial judge sentenced Davis to a six-month term of incarceration with credit for one week time served, and Davis appealed. At present, Davis’s appeal is currently pending before this Court, and an oral argument has been scheduled in the matter for December 16, 2025, at 11:20 a.m. in Courtroom I.

## II.

During the course of Davis's trial, different items of evidence—including State's Exhibit # 7—were marked as exhibits, introduced into evidence, and presented to the jury. (R. pp. 90-92). However, upon this Court's review, the disc marked and introduced as State's Exhibit # 7 during trial is now unable to be played after it was transported to this Court on appeal.

## III.

Based on the issues raised by Davis on appeal, both Davis and the State identified State's Exhibit # 7 for inclusion in the Record on Appeal through the designations of matter. See Rule 210(c), SCACR (allowing for matter "presented to the lower court or tribunal" to be included in the Record on Appeal if properly designated for inclusion by any party).

## IV.

Although the exhibit transported to this Court from the Beaufort County Clerk of Court's Office is unable to be played, the undersigned counsel for the State contacted the Fourteenth Circuit Solicitor's Office and obtained from that office what is believed to be a true and accurate copy of State's Exhibit # 7 while working on the appeal. A copy of that exhibit is now being provided to this Court along with this motion, and the State is currently working on obtaining an affidavit from Assistant Solicitor Rachel M. DeAngelis—one of the attorneys from the Fourteenth Circuit Solicitor's Office who represented the State during Davis's trial—attesting to the accuracy of the provided copy of the exhibit to the best of her knowledge and recollection. As soon as that affidavit can be obtained, the State will provide a copy to this Court.

## V.

As State's Exhibit # 7 has properly been designated for inclusion in the Record on Appeal and is relevant to the resolution of Davis's appeal, the Record on Appeal cannot be

properly completed without its inclusion. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267.”). Therefore, in order to enable the proper completion of the Record of Appeal, the State asks this Court to allow the inclusion of the copy of State’s Exhibit # 7 obtained from the Fourteenth Circuit Solicitor’s Office in place of the original exhibit, which cannot be played.

**VI.**


Prior to this motion being filed, the State communicated with counsel for Appellant about the matter, and Appellant’s counsel confirmed he consented to the State’s motion.

**WHEREFORE**, Respondent prays the Court will allow the inclusion of what is believed to be a complete and accurate copy of State’s Exhibit # 7 in the Record on Appeal in place of the original exhibit; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

BRIAN H. GIBBS  
Assistant Attorney General

By:   
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Brian H. Gibbs  
S.C. Bar Number 104137

November 18, 2025

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**PROOF OF SERVICE**

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I, Caroline Collins, certify I have served the within Motion to Permit the Inclusion of Copy of the Exhibit in the Record on Appeal by mailing a copy to the following individual:

Jared S. Newman, Esquire  
Jared S. Newman, P.A.  
P.O. Box 515  
Port Royal, SC 29935

I further certify all parties required by Rule to be served have been served.  
This 18th day of November, 2025.



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CAROLINE COLLINS  
Administrative Support Manager  
Office of the Attorney General