

**RECEIVED**  
**May 26 2026**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

NATHAN MILES GINTER

APPELLANT

APPELLATE CASE NO. 2024-001830

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**MOTION TO PRESERVE THE AUDIO RECORDING OF THE TRIAL AND ALLOW  
COUNSELS TO OBTAIN A COPY OF THE AUDIO**

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Undersigned counsel for Nathan Miles Ginter respectfully requests an order from this Court directing Court Administration to preserve the primary and back-up audio recording of the underlying criminal trial of Appellant and release a copy of the same to the parties. In support of this request, counsel shows:

1. Appellant was indicted for four counts of unlawful conduct towards a child (2022-GS-40-05213, 2022-GS-40-05214, 2022-GS-40-05215, and 2022-GS-40-05216) by the Richland County grand jury on November 11, 2022. On June 10, 2024, Appellant was tried for these charges *in absentia* before the Honorable Robert E. Hood and a jury. Appellant was represented by retained counsel Brett Perry. Assistant Solicitors Anna Browder, Kathryn Cavanaugh, and

Gabrielle Sharp prosecuted the case. This trial was not assigned a live court reporter but was recorded by the Digital Court Reporter Project (DCRP). On June 12, 2024, Appellant was found guilty as indicted. On October 22, 2024, Appellant was sentenced to an aggregate term of forty (40) years' incarceration, comprised of ten (10) years on each charge, to run consecutively.

2. Undersigned counsel has been unable to obtain a true and complete transcript of this trial. On April 21, 2026, this Court remanded the matter to the trial court for reconstruction of the missing portions of Appellant's trial, including the inaudible portions of the transcript, the timing of the jury's movements, and the missing fifty-three (53) minutes of the proceedings on June 12, 2024. A reconstruction hearing is presently tentatively set for July 31, 2026.

3. The most recent revision of the trial transcript received on March 23, 2026, contains 540 instances of "inaudible" testimony and pleadings. In order to efficiently and accurately effectuate the reconstruction of the recorded portions of the trial, trial counsels have requested a copy of the audio recording.

4. On May 15, 2026, a law clerk for Judge Hood communicated to the parties that they were informed by Court Administration that "the audio recording cannot be released to the parties" and also advised that "34 minutes of the audio is missing." See Exhibit A.

5. Chapter VIII of the South Carolina Court Reporter Manual ("Manual") states in relevant part: "[C]ourt reporters are required to use a digital backup recorder for capturing the record and must preserve the record for the five-year period referred to in Rule 607(i)." Manual at 12-13.

6. Chapter XIII, Section B of the Manual states in relevant part: "[C]ourt reporters shall not grant any request to listen to audio recordings or to read steno notes unless the requestor

has received written authorization from the presiding judge or, in his/her absence, the chief judge for administrative purposes in that circuit.” Manual at 19.

7. Chapter XIII, Section C of the Manual states in relevant part: “[F]urther review of the record may be permitted by the presiding judge upon written request with good cause shown.” Manual at 20.

8. In order to properly reconstruct the underlying trial, all parties must know what portions of trial were and were not recorded. Court Administration has created a discrepancy regarding what portions of trial were recorded, stating at different points that between 34 and 53 minutes of the proceedings from June 14, 2024 were not recorded. Counsel seeks a ruling from this Court rather than seeking authorization from the trial judge to simply listen to the tape because counsel seeks not only to listen to the audio but also to obtain a copy of the audio to assist in the accurate reconstruction of the trial.

9. Counsel seeks a ruling from this Court because the trial court appears to erroneously believe that Court Administration is not required to release the audio to the parties.

10. As the audio tape is only retained for one-year after a trial has been transcribed and the one-year retention time frame ends March 23, 2027, counsel respectfully asks this Court to order that the primary and back-up audio tapes not be destroyed until the Court rules on this motion.

WHEREFORE, counsel for Appellant respectfully moves that this Court order preservation of the primary and back-up audio recordings of the trial and allow trial counsels and appellate counsels to obtain a copy of the audio recording to assist in the accurate reconstruction of the underlying trial.

Respectfully submitted,



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W. Chandler Norville  
Appellate Defender  
ATTORNEY FOR APPELLANT

This 26<sup>th</sup> day of May, 2026.

## EXHIBIT A

**Warren, Kaylynn**

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**From:** Hood, Robert E. Law Clerk (Reynolds Ward) <rhoodlc@sccourts.org>  
**Sent:** Friday, May 15, 2026 10:55 AM  
**To:** Norville, Chandler; ANNA BROWDER; Hood, Robert E. Secretary (Jeanne-Marie Bolin)  
**Cc:** Mark Farthing; ccollins@scag.gov; Warren, Kaylynn; Brett Perry; Kathryn Cavanaugh; SHARP GABRIELLE  
**Subject:** RE: [External] RE: State v. Nathan M. Ginter

Good morning,

Our office has spoken with Court Administration and was informed that the audio recording cannot be released to the parties. We were also advised that 34 minutes of the audio is missing.

Judge Hood asks that the parties provide their upcoming availability so that a date and location for this hearing may be scheduled.

Thank you,  
Reynolds Ward

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**From:** Norville, Chandler <cnorville@sccid.sc.gov>  
**Sent:** Friday, May 1, 2026 10:10 AM  
**To:** Hood, Robert E. Law Clerk (Reynolds Ward) <rhoodlc@sccourts.org>; ANNA BROWDER <BROWDER.ANNA@richlandcountysc.gov>; Hood, Robert E. Secretary (Jeanne-Marie Bolin) <rhoodsc@sccourts.org>  
**Cc:** Mark Farthing <mfarthing@scag.gov>; ccollins@scag.gov; Warren, Kaylynn <kwarren@sccid.sc.gov>; Brett Perry <brett@perrylawfirm.us>; Kathryn Cavanaugh <Cavanaugh.Kathryn@richlandcountysc.gov>; SHARP GABRIELLE <GABRIELLE.SHARP@richlandcountysc.gov>  
**Subject:** Re: [External] RE: State v. Nathan M. Ginter

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

Mr. Ward:

Please see attached, proposed order authorizing release of the audio files. Please let me know if I can do anything else.

V/r,

**Chandler Norville**  
Appellate Defender  
SC Commission on Indigent Defense  
Division of Appellate Defense  
(803) 734-1955

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**From:** Hood, Robert E. Law Clerk (Reynolds Ward) <rhoodlc@sccourts.org>  
**Sent:** Thursday, April 30, 2026 4:23 PM

## EXHIBIT A

**To:** Norville, Chandler <[cnorville@sccid.sc.gov](mailto:cnorville@sccid.sc.gov)>; ANNA BROWDER <[BROWDER.ANNA@richlandcountysc.gov](mailto:BROWDER.ANNA@richlandcountysc.gov)>; Hood, Robert E. Secretary (Jeanne-Marie Bolin) <[rhoodsc@sccourts.org](mailto:rhoodsc@sccourts.org)>  
**Cc:** Mark Farthing <[mfarthing@scag.gov](mailto:mfarthing@scag.gov)>; [ccollins@scag.gov](mailto:ccollins@scag.gov) <[ccollins@scag.gov](mailto:ccollins@scag.gov)>; Warren, Kaylynn <[kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov)>; Brett Perry <[brett@perrylawfirm.us](mailto:brett@perrylawfirm.us)>; Kathryn Cavanaugh <[Cavanaugh.Kathryn@richlandcountysc.gov](mailto:Cavanaugh.Kathryn@richlandcountysc.gov)>; SHARP GABRIELLE <[GABRIELLE.SHARP@richlandcountysc.gov](mailto:GABRIELLE.SHARP@richlandcountysc.gov)>  
**Subject:** RE: [External] RE: State v. Nathan M. Ginter

Good afternoon,

Per Judge Hood, please prepare an order authorizing the release of the audio to the parties.

Thank you,  
Reynolds Ward

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**From:** Norville, Chandler <[cnorville@sccid.sc.gov](mailto:cnorville@sccid.sc.gov)>  
**Sent:** Monday, April 27, 2026 1:37 PM  
**To:** ANNA BROWDER <[BROWDER.ANNA@richlandcountysc.gov](mailto:BROWDER.ANNA@richlandcountysc.gov)>; Hood, Robert E. Law Clerk (Reynolds Ward) <[rhoodlc@sccourts.org](mailto:rhoodlc@sccourts.org)>; Hood, Robert E. Secretary (Jeanne-Marie Bolin) <[rhoodsc@sccourts.org](mailto:rhoodsc@sccourts.org)>  
**Cc:** Mark Farthing <[mfarthing@scag.gov](mailto:mfarthing@scag.gov)>; [ccollins@scag.gov](mailto:ccollins@scag.gov); Warren, Kaylynn <[kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov)>; Brett Perry <[brett@perrylawfirm.us](mailto:brett@perrylawfirm.us)>; Kathryn Cavanaugh <[Cavanaugh.Kathryn@richlandcountysc.gov](mailto:Cavanaugh.Kathryn@richlandcountysc.gov)>; SHARP GABRIELLE <[GABRIELLE.SHARP@richlandcountysc.gov](mailto:GABRIELLE.SHARP@richlandcountysc.gov)>  
**Subject:** Re: [External] RE: State v. Nathan M. Ginter

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Court administration would be authorized to release the audio to all of us by order of Judge Hood. I am attaching an annotated errata of the most recent revision of the trial transcript. It appears that most of the "inaudibles" occur during the state's direct examination of their witnesses and during the closing arguments. We appear to be missing the rulings from the charge conference and the bulk of both closing arguments. We will need to reconstruct approximated time stamps of all jury movements, with the length of deliberation being most important.

With all that said, I think out of an abundance of caution, we should try to have a full day to do this reconstruction hearing. I would appreciate if all parties could forward their notes from the trial. I look forward to seeing when we can get this scheduled.

V/r,

Chandler Norville  
Appellate Defender  
SC Commission on Indigent Defense  
Division of Appellate Defense  
(803) 734-1955

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**From:** ANNA BROWDER <[BROWDER.ANNA@richlandcountysc.gov](mailto:BROWDER.ANNA@richlandcountysc.gov)>  
**Sent:** Thursday, April 23, 2026 3:17 PM  
**To:** Robert E. Hood <[rhoodlc@sccourts.org](mailto:rhoodlc@sccourts.org)>; Norville, Chandler <[cnorville@sccid.sc.gov](mailto:cnorville@sccid.sc.gov)>; Hood, Robert E. Secretary

## EXHIBIT A

(Jeanne-Marie Bolin) <[rhoodsc@sccourts.org](mailto:rhoodsc@sccourts.org)>

**Cc:** Mark Farthing <[mfarthing@scag.gov](mailto:mfarthing@scag.gov)>; [ccollins@scag.gov](mailto:ccollins@scag.gov) <[ccollins@scag.gov](mailto:ccollins@scag.gov)>; Warren, Kaylynn <[kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov)>; Brett Perry <[brett@perrylawfirm.us](mailto:brett@perrylawfirm.us)>; Kathryn Cavanaugh <[Cavanaugh.Kathryn@richlandcountysc.gov](mailto:Cavanaugh.Kathryn@richlandcountysc.gov)>; SHARP GABRIELLE <[GABRIELLE.SHARP@richlandcountysc.gov](mailto:GABRIELLE.SHARP@richlandcountysc.gov)>  
**Subject:** RE: [External] RE: State v. Nathan M. Ginter

Court administration has the recording and won't release it to us. I have started to try to fill in from the prosecution side with our notes, but if we had the audio beforehand, that would be helpful.



**Anna Browder**  
Deputy Solicitor  
Fifth Judicial Circuit

1701 Main Street, Suite 302 • P.O. Box 192 (29202)  
Columbia, South Carolina 29201  
Phone: 803.576.2302 • Fax: 803.576.1718

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**From:** Hood, Robert E. Law Clerk (Reynolds Ward) <[rhoodlc@sccourts.org](mailto:rhoodlc@sccourts.org)>  
**Sent:** Thursday, April 23, 2026 3:03 PM  
**To:** Norville, Chandler <[cnorville@sccid.sc.gov](mailto:cnorville@sccid.sc.gov)>; ANNA BROWDER <[BROWDER.ANNA@richlandcountysc.gov](mailto:BROWDER.ANNA@richlandcountysc.gov)>; Hood, Robert E. Secretary (Jeanne-Marie Bolin) <[rhoodsc@sccourts.org](mailto:rhoodsc@sccourts.org)>  
**Cc:** Mark Farthing <[mfarthing@scag.gov](mailto:mfarthing@scag.gov)>; [ccollins@scag.gov](mailto:ccollins@scag.gov); Warren, Kaylynn <[kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov)>; Brett Perry <[brett@perrylawfirm.us](mailto:brett@perrylawfirm.us)>; Kathryn Cavanaugh <[Cavanaugh.Kathryn@richlandcountysc.gov](mailto:Cavanaugh.Kathryn@richlandcountysc.gov)>; SHARP GABRIELLE <[GABRIELLE.SHARP@richlandcountysc.gov](mailto:GABRIELLE.SHARP@richlandcountysc.gov)>  
**Subject:** RE: [External] RE: State v. Nathan M. Ginter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Thank you for the information.

Judge Hood would like to know who is in possession of the recording and how long the hearing is expected to last. Please let me know at your earliest convenience.

Best regards,  
Reynolds Ward

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**From:** Norville, Chandler <[cnorville@sccid.sc.gov](mailto:cnorville@sccid.sc.gov)>  
**Sent:** Thursday, April 23, 2026 10:04 AM  
**To:** ANNA BROWDER <[BROWDER.ANNA@richlandcountysc.gov](mailto:BROWDER.ANNA@richlandcountysc.gov)>; Hood, Robert E. Law Clerk (Reynolds Ward) <[rhoodlc@sccourts.org](mailto:rhoodlc@sccourts.org)>; Hood, Robert E. Secretary (Jeanne-Marie Bolin) <[rhoodsc@sccourts.org](mailto:rhoodsc@sccourts.org)>  
**Cc:** Mark Farthing <[mfarthing@scag.gov](mailto:mfarthing@scag.gov)>; [ccollins@scag.gov](mailto:ccollins@scag.gov); Warren, Kaylynn <[kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov)>; Brett Perry <[brett@perrylawfirm.us](mailto:brett@perrylawfirm.us)>; Kathryn Cavanaugh <[Cavanaugh.Kathryn@richlandcountysc.gov](mailto:Cavanaugh.Kathryn@richlandcountysc.gov)>; SHARP GABRIELLE <[GABRIELLE.SHARP@richlandcountysc.gov](mailto:GABRIELLE.SHARP@richlandcountysc.gov)>  
**Subject:** Re: [External] RE: State v. Nathan M. Ginter

**RECEIVED**

**May 26 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

NATHAN MILES GINTER

APPELLANT

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Preserve the Audio Recording of the Trial and Allow Counsels to Obtain a Copy of the Audio in the above-referenced case has been served upon Mark R. Farthing, Esquire, Brett Perry, Esquire, Anna Browder, Esquire, Kathryn Cavanaugh, Esquire, and Gabrielle Sharp, Esquire, at the primary e-mail addresses listed in the Attorney Information System (AIS), this 26<sup>th</sup> day of May, 2026.



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W. Chandler Norville  
Appellate Defender

ATTORNEY FOR APPELLANT

RECEIVED

May 26 2026

Warren, Kaylynn

SC Court of Appeals

**From:** Warren, Kaylynn  
**Sent:** Tuesday, May 26, 2026 9:55 AM  
**To:** Mark Farthing  
**Cc:** Norville, Chandler; Caroline Collins; Brett Perry; BROWDER.ANNA@richlandcountysc.gov; 'Cavanaugh.Kathryn@richlandcountysc.gov'; 'gabrielle.sharp@richlandcountysc.gov'; Transcripts; Holmes, Tammie; Robert E. Hood  
**Subject:** 2024-001830 The State v. Nathan Miles Ginter  
**Attachments:** 2024-001830 The State v. Nathan Miles Ginter Motion to Preserve the Audio Recordings of the Trial and Allow Counsels to Obtain a Copy of the Audio.pdf

Good Morning,

Attached for service in the above-referenced case is the Motion to Preserve Audio Recordings of the Trial and Allow Counsels to Obtain a Copy of the Audio which will be filed today, May 26, 2026, with the Court of Appeals via email filing.

Respectfully,  
Kaylynn

**Kaylynn Warren**

Administrative Assistant  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
(803) 734-1330