



RECEIVED

Jun 29 2026

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

June 29, 2026

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Nathan Miles Ginter – Appellate Case No. 2024-001830

Dear Ms. Kitchings:

On June 24, 2026, this Court sent a letter requesting a return to Appellant Nathan Miles Ginter’s motion entitled “Motion to Preserve the Audio Recording of the Trial and Allow Counsels to Obtain a Copy of the Audio” that was submitted in the above-referenced criminal appeal. Please accept this letter in lieu of a formal return.

Through his motion, Ginter asks to this Court to “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, the State takes no position on Ginter’s motion and wishes to leave it to the sound discretion of this Court. However, despite taking no position on the motion, the State does wish to note several points.

First, because the trial transcript was missing certain portions of the proceedings and had other issues, this Court has already issued an order remanding Ginter’s case to the trial judge so that efforts at reconstructing the record can be attempted, which means the matter of reconstruction is currently before the trial judge at this time. Second, when reconstruction is necessary, the duty and responsibility of settling the record rests upon the trial judge, who is currently working with the parties in Ginter’s case to attempt to reconstruct the missing portions of the record. China v. Parrott, 251 S.C. 329, 334, 162 S.E.2d 276, 278 (1968). Third and relatedly, decisions as to manner by which the record is reconstructed rest in the trial judge’s sound discretion, and, thus, it is up to the trial judge in Ginter’s case to determine how he wishes to accomplish reconstruction of the record, which can—and frequently does—occur in South Carolina through means other than the parties listening to a court reporter’s audio recordings themselves. Id. Fourth and finally, pursuant to Section XIII.B. of our state’s approved court reporter manual, “the presiding judge, or in his/her absence, the chief judge for administrative purposes in [a particular judicial] circuit” must provide written authorization before a court reporter can grant any request to listen to audio recordings of judicial proceedings, and,

therefore, the trial judge in Ginter's case is the one who possesses the authority to grant authorization for the parties to listen to the audio recordings from trial in the event he determines such review is warranted.

Thank you very much, and, if you should have any questions or concerns or if a more formal return is desired, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark R. Farthing', with a stylized, cursive script.

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

MRF/

cc: W. Chandler Norville, Esq.
Victim Advocacy Division