

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

Thomas L. Hughston, Jr., Circuit Court Judge  
\_\_\_\_\_

STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

GEORGE WHITE,

APPELLANT

Appellate Case No. 2013-000638  
\_\_\_\_\_

PETITION FOR ORDER AUTHORIZING ACCESS TO TRIAL EXHIBIT  
\_\_\_\_\_

The undersigned counsel for Appellant respectfully requests an Order authorizing and directing the Charleston County Clerk of Court to release a copy of State's Exhibit No. 17 to undersigned counsel. In support of this motion, counsel would respectfully show the Court the following:

1. This case was tried in the Charleston County Court of General Sessions, the Honorable Thomas L. Hughston, Jr. presiding, from March 18-21, 2013.
2. The referenced exhibit, State's Exhibit No. 17, is an electronic recording of a forensic interview, conducted on January 22, 2008, with the child who alleged an assault by Appellant in this case. This exhibit was introduced by the State at the trial of this matter, over objection by defense counsel, and is directly relevant to issues that will be raised in Appellant's initial brief on appeal.

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SC Court of Appeals

3. Undersigned counsel has been diligently attempting to obtain a copy of the referenced video exhibit since the week of February 3, 2014. Undersigned counsel has consulted with trial defense counsel and with counsel for the State of South Carolina, Office of the Attorney General, and has been unable to obtain access to a copy of this trial exhibit.

4. After having consulted with the Office of the Charleston County Clerk of Court, undersigned counsel has been informed that the Charleston County Clerk of Court can make a copy of the exhibit, but that a Court Order is required either to release a copy of the exhibit to undersigned counsel, or to provide undersigned counsel with access to view the videotape in the Clerk's office.

5. Therefore, undersigned counsel requests an Order from this Court, authorizing and directing the Charleston County Clerk of Court to release a copy of the exhibit identified as State's Exhibit No. 17 to undersigned counsel, or to an authorized representative acting on her behalf. For the Court's convenience, a proposed Order is attached hereto as Exhibit A.

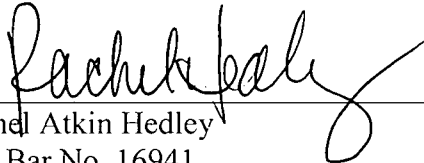
6. In the alternative, undersigned counsel requests an Order from this Court authorizing and directing the Charleston County Clerk of Court to allow undersigned counsel to view a copy of State's Exhibit No. 17 at the Clerk's Office in Charleston.

7. As indicated by her consent below, counsel for the state graciously consents to this request.

WHEREFORE, the undersigned counsel respectfully requests issuance of an Order authorizing and directing the Charleston County Clerk of Court to release a copy of State's Exhibit No. 17 to undersigned counsel, or to an authorized representative acting on her behalf.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:   
Rachel Atkin Hedley  
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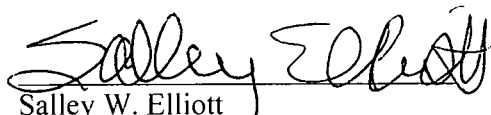
SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Robert Michael Dudek  
Chief Appellate Defender  
South Carolina Commission on Indigent Defense  
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(803) 734-1330

*Attorneys for Appellant*

February 20, 2014

I CONSENT:



Salley W. Elliott  
State of South Carolina, Office of the Attorney General  
1000 Assembly Street, Room 519  
Columbia, SC 29201

*Attorney for Respondent*

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Charleston County

Thomas L. Hughston, Jr., Circuit Court Judge

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STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

GEORGE WHITE,

APPELLANT

Appellate Case No. 2013-000638

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PROPOSED ORDER AUTHORIZING ACCESS TO TRIAL EXHIBIT

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As stated in Appellant's Petition for an Order Authorizing Access to Trial Exhibit, Appellant is seeking access to State's Exhibit No. 17, which was introduced as a trial exhibit in 2008-GS-10-6275 and 2008-GS-10-6277, tried in the Charleston County Court of General Sessions, the Honorable Thomas L. Hughston, Jr. presiding, from March 18-21, 2013.

For the reasons stated in Appellant's motion, the Court hereby authorizes and directs the Charleston County Clerk of Court to release a copy of State's Exhibit No. 17 to Rachel Atkin Hedley, Esq., Attorney for Appellant, or to her authorized representative, Susannah R. Knox, Esq. or Katie McTigue Mellen, Esq.

IT IS SO ORDERED.

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

GEORGE WHITE,

APPELLANT

Appellate Case No. 2013-000638

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CERTIFICATE OF SERVICE

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

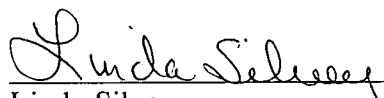
Pleadings:

Petition for Order Authorizing Access to Trial Exhibit

Counsel Served:

Salley W. Elliott, Esquire  
State of South Carolina, Office of  
the Attorney General  
1000 Assembly Street, Room 519  
Columbia, SC 29201

George White  
SCDC ID: 354797  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, SC 29669

  
Linda Silvey  
Administrative Assistant

February 20, 2014

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# Nelson Mullins

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(Admitted in SC & NY)  
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February 20, 2014

## Via Hand Delivery

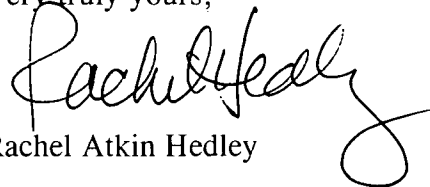
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: The State v. George White  
Appellate Case No. 2013-000638  
Our File No. 38769/01517

Dear Ms. Kitchings:

Please find attached an original and seven copies of Petition for Order Authorizing Access to Trial Exhibit in the above-referenced matter along with a certificate of service. Please file the original and six copies and return a clocked-in copy to us via our courier.

Very truly yours,



Rachel Atkin Hedley

RAH:ljs

Attachments

cc: Robert Michael Dudek, Esquire  
Salley W. Elliott, Esquire  
George White

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FEB 20 2014

**SC Court of Appeals**