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MAR 10 2014

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

March 10, 2014

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

**RE: The State, Appellant, v. Cody Roy Gordon, Respondent**  
**Appellate Case No. 2013-000515**

Dear Ms. Kitchings:

I am writing to confirm our March 7, 2014, telephone conversation about the above referenced matter, specifically in regard to the March 6, 2014, Order from the Court which provided:

The State is ordered to transport the State's Exhibit 3: DVD of roadside stop, as directed in this Court's order dated February 20, 2014, no later than March 11, 2014.

Prior to our conversation, I advised opposing counsel, Keith G. Denny, Esquire, that I would be attempting to talk to you about this administrative issue. Mr. Denny subsequently left a telephone message saying he had no objection.

Per our conversation, I understand that following the March 6, 2014, oral arguments before Judges Williams, Konduros, and Lockemy, you located the copy of State's Exhibit 3 that was attached to the Record of Appeal filed by the State in August of 2013, and that while this copy is not the original exhibit that was filed with the Oconee County clerk of court during trial, the Court is nevertheless willing to accept it for review in lieu of the original. I further understand that, as a result, there is no longer a need to transport State's Exhibit 3 as directed, and the March 6, 2014, order is effectively rescinded. Thank you very much for your assistance and cooperation in working through this issue.

If my understanding is not correct, or you require anything further, please feel free to contact me.

Respectfully,

B. Benjamin Aplin  
Assistant Attorney General

cc: Keith G. Denny, Esquire  
The Honorable Beverly H. Whitfield