

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

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AUG 04 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT ODELL BROWN,

APPELLANT

APPELLATE CASE NO. 2013-001411

O R D E R

On May 9, 2013, Appellant moved for disclosure of personnel files of three officers involved in his arrest. The Honorable J. Derham Cole ordered the prosecutor to obtain the files, review them, and provide any items subject to discovery to Appellant. After reviewing the files, the prosecutor submitted several items to Judge Cole for an in camera review. Judge Cole reviewed the items and determined the items were not subject to disclosure. However, Judge Cole placed the items under seal for review on appeal. Judge Cole has maintained custody and control of those items under seal in his chambers.

Appellant has moved for transport of the sealed items to the Court of Appeals.¹ Respondent agrees the sealed items should be transported to the Court of Appeals pending resolution of Appellant's motion to unseal. On motion of Susan B. Hackett, attorney for Appellant, it is hereby ORDERED that the sealed items held by Judge Cole from the personnel files of officers of the

¹ Appellant has moved for the unsealing of the items in a separate motion. The unsealing of the items will be handled separately from the transport.

Spartanburg County Sheriff's Office, be released to the Office of the Attorney General, or its designee, for transporting to the Court of Appeals of South Carolina for purposes of review by the Court for the above-captioned case. The items are to remain under seal until further order of this Court.

JOHN C. FEW, CHIEF JUDGE

By _____
CLERK

Columbia, South Carolina

August 4, 2014

Copies to: The Honorable J. Derham Cole
 Susan B. Hackett, Esquire
 Salley W. Elliott, Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 4, 2014

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SC Court of Appeals

The Honorable Jenny Kitchings
Clerk, S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: The State v. Robert Odell Brown

Dear Ms. Kitchings:

Enclosed is a proposed order in the above case. By copy of this letter, we are also forwarding a copy of this proposed order to Salley W. Elliott. Thank you for your assistance in this matter.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/smf

Enclosure: Proposed Transportation Order

cc: Salley W. Elliott, Esquire (w/ enclosure)
Hon. J. Derham Cole (w/ enclosure)