

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Oconee County  
Court of General Sessions  
R. Lawton McIntosh, Circuit Court Judge

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Case No. 2012-GS-37-597  
Appellate Case No. 2013-001895

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**RECEIVED**  
MAY 04 2015  
SC Court of Appeals

State of South Carolina,

Respondent,

v.

James Richard Bartee, Jr.,

Appellant

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MOTION TO HAVE EXHIBIT  
TRANSPORTED TO COURT OF APPEALS

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Appellant, James Richard Bartee, Jr., by counsel, respectfully moves to have State's Exhibit 1 transported from the Oconee County Circuit Court to the South Carolina Court of Appeals, and in support of this motion says as follows:

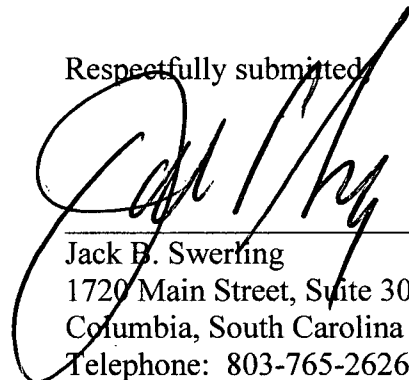
State's Exhibit 1 is a disc which contains an audio recording purporting to be the original recording of a wire transmission of certain conversations that occurred in the investigation of the allegations underlying appellant's conviction. The disc was admitted into evidence in the trial of this case, over the objection of appellant, and the admission of the disc is the subject of one of appellant's claims of error on appeal.

The disc was designated as part of the record on appeal. Also designated for inclusion in the record on appeal are two purported transcripts of the audio recording, transcripts that are not identical and that do not include all the material contained on the audio recording because certain passages were not clear to the transcriber. Appellant designated the disc for inclusion in the record on appeal so that the Court of Appeals can have the actual recording admitted into evidence and played during the trial, in order to review appellant's arguments related to the recording and the inaccuracy of the transcript used by the jury in the course of the trial.

Rule 210(f) of the South Carolina Appellate Court Rules provides for filing the original exhibits separately in the appellate court where they do not reasonably lend themselves to accurate reproduction for inclusion in the printed record on appeal. In keeping with Rule 210(f), filing the original of State's Exhibit 1 in the Court of Appeals is necessary because the recording cannot accurately be reproduced and included in the printed record.

Appellant respectfully moves to have State's Exhibit 1 transported to the Court of Appeals. Counsel's paralegal, Kellie A. Switzer, has consulted with William Blicht, the attorney for respondent, State of South Carolina, who has indicated he consents to this request.

Respectfully submitted,



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South Carolina Bar number 5457

Katherine Carruth Goode  
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Attorneys for Appellant

THE STATE OF SOUTH CAROLINA  
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State of South Carolina,

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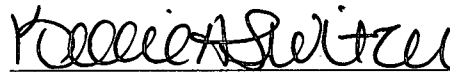
v.

James Richard Bartee, Jr.,

Appellant

PROOF OF SERVICE

I certify that I have served the Motion to Have Exhibit Transported to Court of Appeals upon respondent, by mailing a copy, postage prepaid, to Assistant Attorney General William M. Blich, Jr., P.O. Box 11549, Columbia, South Carolina 29211, on April 24, 2015.



Kellie A. Switzer  
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April 24, 2015

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

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SC Court of Appeals

RE: The State v. James Richard Bartee, Jr.  
Appellate Case No.: 2013-001895

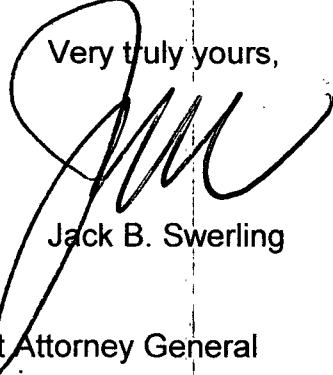
Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Motion to Have Exhibit Transported to Court of Appeals, proposed Order and Proof of Service in the above referenced matter. It would be greatly appreciated if you would date stamp the extra copy and return it to me in the enclosed envelope.

By copy of this letter, I am serving William M. Blich, Jr., Assistant Attorney General, with a copy of same by mail.

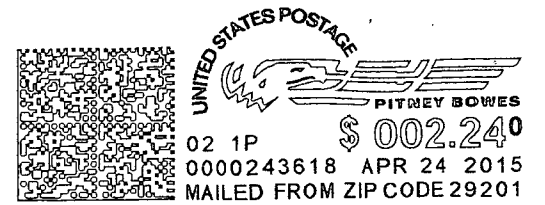
If you have any questions, do not hesitate to contact me.

Very truly yours,

  
Jack B. Swerling

JBS/kas  
Enclosures

cc: William M. Blich, Jr., Assistant Attorney General  
Katherine Carruth Goode, Esquire  
James Richard Bartee, Jr. #00356847  
Elizabeth Bartee (via email)  
Kenneth R. Bartee (via email)



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|||||  
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