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July 10, 2015

RECEIVED

JUL 10 2015

SC Court of Appeals

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

Re: State v. Barry Eugene Lafavor, Appellate Case No. 2013-000568

Dear Ms. Kitchings:

On April 1, 2015, the Court granted Appellant's motion to remand the above referenced case to the circuit court to reconstruct Court's Exhibit No. 2. Please accept this letter as a status update.

On April 13, 2015, Cheryl Westall, the Deputy Clerk of Court for General Sessions in Aiken County, notified the Honorable Michael G. Nettles and the parties that Court's Exhibit No. 2, which contains Department of Social Services (DSS) records, had been located and had not been destroyed as she previously stated. Ms. Westall indicated through a sworn affidavit that only duplicate copies of the DSS records had been destroyed per the order of the Honorable Doyet A. Early, III and that Court's Exhibit No. 2 was secure in the "Exhibit Safe" located at the Aiken County Clerk of Court's Office. I have enclosed a copy of this affidavit for this Court's review.

On May 1, 2015, a hearing was held before Judge Nettles in Aiken County where Court's Exhibit No. 2 was unsealed and reviewed by the parties. The parties agreed on the record that the exhibit contained all of the DSS records that were originally placed under seal by Judge Nettles during Appellant's trial in June 2013. Judge Nettles issued a written order filed July 6, 2015 finding reconstruction of Court's Exhibit No. 2 was unnecessary as the exhibit was secure at the Aiken County Clerk of Court's office. He further ordered that the exhibit remain under seal in Aiken County until further order by this Court. I have also enclosed a certified copy of Judge Nettles' order for this Court's review.

I will file a motion to transport and unseal Court's Exhibit No. 2 today. I would like to review the DSS records to determine whether any issue related to the exhibit should be filed as part of Appellant's direct appeal.

If the Court requires additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Lara M. Caudy". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Lara M. Caudy
Appellate Defender

LMC/pcm

cc: Salley W. Elliott, Esquire (w/ enclosures)

Enclosures