

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Case No.: 2014-002358

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SEP 30 2015

SC Court of Appeals

The State)
)
 Respondent)
)
 v.)
)
 Toaby Alexander Trapp)
)
 Appellant)

MOTION FOR DELIVERY OF
STATES EXHIBIT'S 1 and 30
RULE 210 (F)

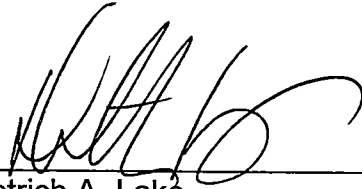
NOW COMES the Appellant, by and through undersigned counsel, and moves before this Honorable Court for an Order recalling the State's Exhibits 1 (Drug Evidence Bag) and 30 (Drug Evidence Bag) of the above-mentioned criminal appeal trial submitted by the State as part of its case in chief pursuant to Rule 210 (f), SCACR.

In support thereof, the Appellant aver as follows:

1. The Appellant was convicted of Trafficking in Drugs on October 31, 2014, in Newberry County General Sessions' Court.
2. Appellant appealed his conviction on November 5, 2014.
3. The Respondent submitted State's Exhibits 1 and 30 into evidence as part of its case in chief against the Appellant at trial.
4. Pursuant to Rule 210(f), SCACR, all exhibits other than paper exhibits must be retained in the trial court and delivered to the appellate court only upon receipt of an order from the clerk of the appellate court.

5. The Appellant contends that State's Exhibits 1 and 30 submitted into evidence by the Respondent as part of its prosecution of the Appellant is part of the Record on Appeal and should be ordered and delivered to the appellate court for its consideration.

WHEREFORE, the Appellant respectfully request that this Honorable Court grant its Motion for Delivery of the State's Exhibits 1 and 30, submitted by the Respondent as part of its prosecution of the Appellant, to the appellate court for its consideration as part of the Record on Appeal.



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Attorney for Respondents

September 30, 2015
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of General Sessions

The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

Indictment No.: 2012-GS-36-0267

The State, Respondent,

v.

Toaby Alexander Trapp, Appellant.

PROOF OF SERVICE

The undersigned counsel for the Appellant hereby certifies that the Appellant's the Appellant's Motion for Delivery of an Exhibit and the Supplemental Designation of Matters to be Included in the Record on Appeal was served and delivered upon counsels for the Respondent by U.S. mail to: Alan Wilson and William M. Blich, Jr., Office of the Attorney General, PO Box 11549, Columbia, SC 29211-1549; and David M. Stumbo, Eighth Circuit Solicitor's Office, PO Box 516, Greenwood, SC 29648.

September 30, 2015



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SC Court of Appeals

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Dietrich A. Lake

September 30, 2015

Hand Delivery

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29211

Re: State v. Toaby Alexander Trapp
Appellate Case No.: 2014-002358

Dear Ms. Kitchings:

Please find enclosed an original and six (6) copies of the Appellant's Motion for Delivery of Exhibits and Proof of Service defining the exhibits requested. In addition, enclosed please find one (1) original and two (2) copies of the Appellant's Initial Brief, one (1) original and two (2) copies of Designation of Matters to be Included in the Record on Appeal and the Proof of Service in the above-mentioned case. Please file the originals and return the stamped copies to me.

By copy of this letter, I am serving opposing counsels with a copy of this Motion and Supplemental Designation of Matters to be Included in the Record on Appeal.

I appreciate your cooperation and prompt attention in this matter. Please feel free to contact me should you have any additional questions.

With kind regards,



Dietrich A. Lake

cc (w/ encls.): William M. Blicht, Jr
David M. Stumbo