

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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OCT 12 2015

SC Court of Appeals

Appeal from Newberry County
Honorable Eugene C. Griffith, Jr., Circuit Court Judge
Appellate Case Tracking No. 2014-002358

The State,

Respondent,

vs.

Toaby Alexander Trapp,

Appellant.

**RETURN TO MOTION FOR DELIVERY AND
MOTION TO STRIKE ITEMS FROM DESIGNATION**

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Appellant has designated two items and asked for their delivery to the Court of Appeals: State's Exhibits 1 and 30. These items are the actual drug evidence bags containing the crack cocaine seized in the instant case.

II.

The State submits it would not be appropriate to transport the drugs and bags containing the crack cocaine. First, any persons handling the drugs as well as persons at the Court of Appeals would become part of the chain of custody for the drugs in the event the case needed to be retried. Additionally, the bags containing crack cocaine are not required for consideration of this appeal because the contents of the bags were discussed in great detail in the trial court. As a result, the State opposes the Motion for Delivery. Additionally, the State moves to strike the items from Appellant's Designation of Matter.

III.

The State does not believe anyone at the Court would need to open the bags to examine the contents, but would at most view the bags from the outside leaving the inside undisturbed. If the items are not struck from Appellant's Designation, the State proposes allowing photographs of the bags to be submitted as substitute exhibits. Photographs could be taken of both the front and back of the sealed bags showing their condition as well as the contents. As stated, this Court should not have reason to open the bags, and the photographs would show all that can be seen by viewing the outside of the bags.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion; deny the Motion for Delivery; allow for substitution of exhibits; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General



William M. Blitch, Jr.
Office of the Attorney General
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Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

October 12, 2015

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Appellant.

PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Return to Motion for Delivery and Motion to Strike Items From Designation on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Dietrich A. Lake, Esquire
The Lake Law Firm
1034 Briargate Circle Suite 201
Columbia, South Carolina 29210

I further certify that all parties required by Rule to be served have been served.

This 12th day of October, 2015.



ANGELA BENNETT
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

October 12, 2015

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

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

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Return to Motion for Delivery and Motion to Strike Items From Designation along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: Dietrich A. Lake, Esquire
Victim Services