



ALAN WILSON
ATTORNEY GENERAL

October 20, 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 Consent Motion for Substitution of Exhibit and to Hold Appeal in Abeyance 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

STATE OF SOUTH CAROLINA

IN THE 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.

Tooby Alexander Trapp,

Appellant.

**CONSENT
MOTION FOR SUBSTITUTION OF EXHIBIT
AND TO HOLD APPEAL IN ABEYANCE**

Respondent and Appellant, through 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 parties believe transportation of the actual drugs involved in this case is not desirable. To prevent transportation of the drugs, the parties have agreed the best alternative is to provide the Court with photographs of the Exhibits from many angles to provide an accurate representation of the Exhibits currently held by the Newberry Clerk of Court. 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. The parties ask this Court to

allow the Record on Appeal to include photographs of the Exhibits in lieu of transporting the Exhibits containing crack cocaine to the Court.

III.

The State, with the consent of Appellant through his attorney, will take the photographs and provide electronic and color copies to the Appellant for inclusion in the Record on Appeal. The photographs will be taken as soon as possible after the Court rules on this Motion. As a result, the parties ask this Court to hold this appeal in abeyance pending a ruling on this Motion and to allow the State an opportunity to take photographs of the Exhibits for inclusion in the Record in lieu of the actual Exhibits containing crack cocaine. The State will inform the Court when the photographs have been taken and provided to Appellant's counsel and the timeline for completion of the Record on Appeal could then be set. Once the State has provided the photographs, Appellant agrees to the withdrawal his Motion for Delivery of the actual Exhibits.

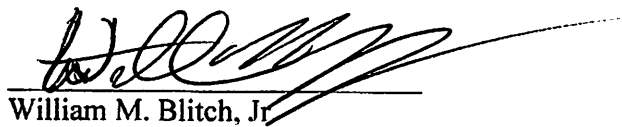
WHEREFORE, the Respondent and Appellant pray that the Court allow for substitution of photographs in lieu of transporting the Exhibits containing crack cocaine; allow the State time to take the photographs and provide acceptable copies to Appellant's counsel; hold this matter in abeyance until ruling on this motion and for the State to take photographs for use in lieu of the Exhibits; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DIETRICH A. LAKE, ESQUIRE
The Lake Law Firm

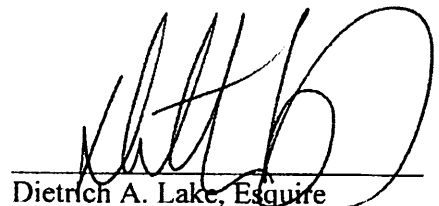
WILLIAM M. BLITCH, JR.
Assistant Attorney General



William M. Blitch, Jr.
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ATTORNEYS FOR RESPONDENT

October 19, 2015



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ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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

The State,

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Appellant.

PROOF OF SERVICE

I, Sally Ellison, 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 20th day of October, 2015.



Sally Ellison
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