

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

DEC 09 2015

SC Court of Appeals

Certiorari to Richland County
Robert E. Hood, Circuit Court Judge

THE STATE,

Respondent,

V.

JOHN JULIUS SMITH,

Appellant

APPELLATE CASE NO. 2014-001366

MOTION TO FILE SUPPLEMENTAL MEDICAL RECORDS UNDER SEAL

Counsel petitions this Court to seal the supplemental medical records in the above-captioned case. The undersigned respectfully shows the Court:

1. Appellant pled guilty in the Richland County Court of General Sessions to inflicting great bodily injury upon a child. Appellant filed a motion for new trial based upon after discovered evidence. An evidentiary hearing was held on April 3, 2014 before the Honorable Robert E. Hood.
2. On April 21, 2014, Judge Hood signed an Order to Produce Medical Records of the minor victim, which provided for disclosure only to defense counsel, the solicitor, and the court.
3. After the motions hearing, Appellant's counsel submitted the supplemental medical records produced pursuant to the above-referenced order for the court's consideration.

4. Appellant's motion for new trial was ultimately denied by Order entered June 16, 2014. Appellant filed the instant appeal to this Court.

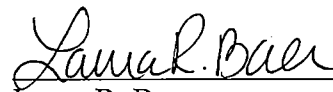
5. Both Appellant and Respondent included the supplemental medical records in their designation of matter to be included in the Record on Appeal.

6. Since the medical records are those of the minor child victim, counsel for Appellant requests that this Court issue an Order requiring these records be placed under seal for review only by the Court and the attorneys for the parties. This motion is made to comply with this Court's rules on redaction of sensitive material and to protect the privacy of the child to whom the records pertain.

7. Counsel for Appellant has conferred with Senior Assistant Deputy Attorney General Deborah R.J. Shupe, attorney for Respondent the State of South Carolina, and she consents to this motion.

WHEREFORE, Counsel respectfully requests that this Court grant this motion and issue an Order requiring that the Supplemental Medical Records be filed and kept under seal, with review allowed only by the attorneys for the parties and the Court.

Respectfully submitted,



Laura R. Baer
S.C. Bar No. 101076
Appellate Defender

ATTORNEY FOR APPELLANT

December 9, 2015.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
DEC 09 2015
SC Court of Appeals

Certiorari to Richland County
Robert E. Hood, Circuit Court Judge

THE STATE,

Respondent,

V.

JOHN JULIUS SMITH,

Appellant

APPELLATE CASE NO. 2014-001366

CERTIFICATE OF SERVICE

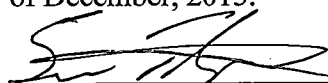
I certify that a true copy of Appellant's Motion to File Supplemental Medical Records under Seal has been served upon Deborah R.J. Shupe, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 9th day of December, 2015.



Laura R. Baer
S.C. Bar No. 101076
Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 9th day
of December, 2015.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.