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DEC 23 2015

SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

December 21, 2015

Stephen J. Henry, Esquire  
406 Pettigru Street  
Greenville, South Carolina 29601

Re: The State v. Perry Eichor  
Appellate Case No: 2015-001648

Dear Mr. Henry:

Our office received your letter regarding the above-captioned case and the two issues you are seeking to resolve. As to the first issue, undersigned counsel for the State understands you have contacted the court reporter to attempt to correct the trial transcript in regard to the jury questions not being included in the trial transcript. The State has no objection to that request and agrees this is the best way to resolve that issue. As to the second issue, at this time, the State cannot agree to the inclusion of the jury charges without a review of the record to determine how the trial court handled the proposed jury charges during the trial. However, according to the South Carolina Appellate Court Rules, a party can designate "exhibits or other materials which he proposes to include in the record on appeal." Rule 209(a), SCACR. Moreover, pursuant to our appellate court rules, any matter presented to the trial court can properly be included in the Record on Appeal. See Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."). If you have any further questions or concerns, please do not hesitate to contact me at (803) 734-3747.

Sincerely,

J. Benjamin Aplin  
Interim Senior Assistant Deputy Attorney General  
S.C. Bar No: 8729

JBA/ab

cc: The Honorable Jenny A. Kitchings

