

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

 ORIGINAL

Appeal from Richland County

Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

JOHN BARNES,

APPELLANT

APPELLATE CASE NO. 2011-199787

MOTION TO UNSEAL THE
ARC RECORDS (COURT EXHIBIT NO. 4)

RECEIVED
OCT 15 2012
SC Court of Appeals

The undersigned respectfully shows the Court:

1. Appellant was convicted of committing a lewd act on a minor in Richland County on September 15, 2011, and sentenced to fifteen years with mandatory sex offender registration and mandatory Global Position Monitoring. His conviction and sentence are on appeal with this Court.
2. The trial judge sealed the records from the Assessment and Resource Center (ARC) which is a child advocacy center which conducts forensic interviews and medical exams on children suspected of having been sexually abused. The ARC conducted two taped interviews of the child victim.

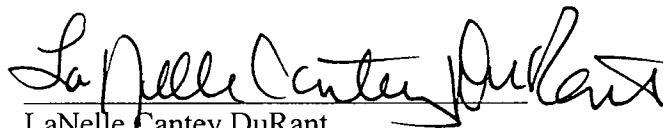
3. The child victim testified at the trial, and the video of the first forensic interview was admitted into evidence. The ARC records are requested in the event other documents may be relevant.

4. Counsel for appellant would respectfully request that these records be unsealed for review only by the appellate courts, the assistant attorney general assigned to this case, and the appellate counsel assigned to the case. A review of these records is necessary in order to fully review appellant's case for his appeal. This motion is not filed for the purposes of delay as the initial brief of appellant is being filed simultaneously with this motion. .

5. Counsel would respectfully request that these ARC records be transported to the Court of Appeals from the Richland County Clerk of Court's Office. These records are designated as Court Exhibit 4 - ARC Records.

WHEREFORE, counsel for appellant would respectfully request that Court Exhibit 4 which includes the ARC records be unsealed and transported to the Court of Appeals for review only by the appellate courts, the assistant attorney general and appellate counsel assigned to the case.

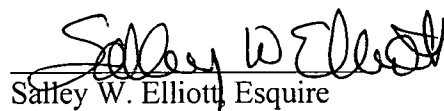
Respectfully submitted,



LaNelle Cantey DuRant
Appellate Defender

Attorney for Appellant

I do not oppose.



Salley W. Elliott, Esquire

This 15th day of October 2012.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

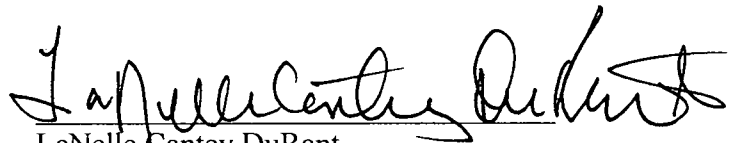
V.

JOHN BARNES,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Unseal Records in the above referenced case has been served upon opposing counsel, Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 15th day of October 2012.



LaNelle Cantey DuRant
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 15th day of October 2012.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: July 24, 2022

RECEIVED
OCT 15 2012
SC Court of Appeals