



ALAN WILSON
ATTORNEY GENERAL

June 7, 2017

HAND-DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED
JUN 07 2017
SC Court of Appeals

RE: State v. Stacy Carol Riden – Appellate Case No. 2016-000234

Dear Ms. Kitchings:

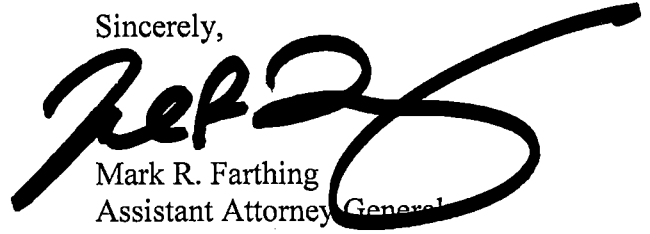
In the above-referenced criminal appeal, there is currently a motion pending before this Court to hold the appeal in abeyance in order to afford the parties an opportunity to clarify what portions of several forensic interview recordings introduced as exhibits during the appellant's trial were actually redacted, which is not clear from the information contained in the trial transcript.

This letter is to advise the Court that, after consultation between the parties, counsel for both the State and the appellant have reached an agreement for purposes of this appeal as to what material was redacted during the trial proceedings. Likewise, both counsel for the State and the appellant have reached an agreement that several documents reflecting the redactions from trial should be included in the Record on Appeal to clarify that particular issue for appellate purposes. Specifically, those documents, which are attached to this letter, include an affidavit prepared by the solicitor involved in the appellant's trial, several accompanying pages of notes relied upon by the solicitor during trial, and the solicitor's typed summary of those notes.

Based on the agreements reached by the parties, it will no longer be necessary for the above-referenced case to be held in abeyance, and there will be no need for the matter to be remanded to the trial court for reconstruction of the record. Instead, with the Court's permission, undersigned counsel will simply designate the attached documents for inclusion in the appellate record through the State's designation of matter, and those documents will ultimately be included as a part of the Record on Appeal.

Please advise if this course of action is acceptable to the Court, and, if it is, please advise of the proper time lines for this appeal to proceed forward. Thank you, and if you have any questions or concerns, please contact me on my direct line at (803) 734-4117.

Sincerely,

A large, bold, handwritten signature in black ink, appearing to read 'MRF' followed by a stylized flourish.

Mark R. Farthing
Assistant Attorney General
S.C. Bar Number 76901

MRF/

cc: Laura R. Baer, Esquire
Victim Services

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Pickens County
Honorable Perry H. Gravely, Circuit Court Judge
Appellate Case No. 2016-000208

THE STATE,

Respondent,

vs.

AARON VAN HENDRIX,

Appellant.

AFFIDAVIT

Personally appeared before me, Christopher L. Jones, who being duly sworn, attests to the following:

I.

I am an Assistant Solicitor in the Thirteenth Judicial Circuit Solicitor's Office in Pickens County, South Carolina.

II.

I was present and served as the prosecutor for the State of South Carolina during the trial of Appellant Aaron Van Hendrix on January 25, 2016, through January 28, 2016, including when State's Exhibits # 1, # 2, # 3, and # 4, which are recordings of forensic interviews of the victims, were admitted into evidence and played for the jury.

III.

When played for the jury, portions of those recordings were redacted.

IV.

The Honorable Perry H. Gravely served as the trial judge for the Appellant Aaron Van Hendrix.

V

I have consulted with the law clerk and secretary of the Judge Gravely in regard to the redactions to the recordings subsequent to trial.

VI.

To the best of my knowledge and experience, the attached document truly and accurately reflects the portions of the recordings that were redacted during trial.

WHEREFORE, the undersigned hereby certifies that the above is true to the best of his knowledge and recollection. I have this day been provided a copy of this Affidavit and hereby acknowledge receipt thereof.



CHRISTOPHER L. JONES
Assistant Solicitor, Thirteenth Judicial Circuit

SWORN to before me this 27 day of FEBRUARY, 2017.

Camille Crowe
Notary Public for South Carolina

My Commission Expires: JUNE 9, 2024

NL 2-19

9:15
Kylie bleed
add towel

1 ~~3:43-6:02~~ ✓; ~~9:12-9:18~~ ✓
3 ~~22:53-23:39~~ ✓
4 ~~40:09-40:32~~ ✓ ~~40:55-41:03~~ ✓ ~~42:52-44:10~~ ✓
~~36:29-37:24~~ ~~39:15-40:03~~

16:50
Apple in
Kylie mark

NL 4-11

8:40
Fury
on AXH
top puts

1 ~~0-2:34~~ ✓
2 ~~25:30-28:28~~ ✓
3 ~~34:57-37:10~~ ✓ 45:12 ✓
4 ~~40:42:27-43:44:01~~ ~~43:59-44:17~~
45:35-~~45~~ 45:53 ✓
6 49:24-50:05 ✓ 52

11:40
Suck &
bite
Security

BL 3-11

Knife

BL 4-7

or 23

pointing
laughing

~~5:55-6:42~~ ✓
23:28-23:51 ✓
36:10-37:23 ✓
38:45
~~32:15-39:22~~ ✓
~~43:15-44:30~~ ✓
~~49:25-52:40~~
54:45 - what gma said

800-
#912-9:18 - she got fired

NL
1-3:43 - ~~4:0~~ 4:0 ^{*343-602}

Chris Jones
Thirteenth Circuit Solicitor's Office
Pickens, SC

4:40-4:49 - soap in mouth so they
wouldn't tell gone

4:59 - she would slap us all time

8:41-6:02

Re: Requested Redactions
State vs. Riden

6:02 - how old when you lived w/ mom

7 - she DSS might take us

DSS came + she made us clear

7:11 - pulls my hair a lot - hurt us

Dear Chris,

7:40 - He used to wear ^{mom's} clothes

I propose the following redactions to the forensic videos in this case:

Natalie Lusk Interview of 2/19/14

redact parts abt gen. treatment?

~~1~~ 1) Redact from start of interview to 10:26 so that the start point would be with the counselor asking "What else about Aaron"

~~2~~ 2) Redact from around 15:50 "Because they were slapping and stuff...to "Like they used to slap each other and me and Blake and Kylie were staring with our mouth open 16:09

~~3~~ 3) Redact 22:53 "And one time, Blake wanted me to tell..." to "Blake told Grandma that it happened and that's what he told me to tell y'all" ^{22:53-23:39}

4) Redact 36:30 to 45:34 - any part that DSS or police said

5) Redact everything Natalie says she saw Aaron/Mom do to Blake and Kylie

6) Redact everything Natalie says she saw Aaron/mom make Blake and Kylie do to Aaron/Mom

Natalie Lusk Interview 4/11/14

1) Redact from beginning of interview to 2:34 - FF nothing

2) Redact 25:30 to 28:28 - where was daddy - there etc

3) Redact 34:57 to 39:10 - FF - nothing

4) Redact 43:43 "Mom and Jessie used to be in jail once because they stole a car"

den, 5) Redact 45:10 to 45:30 "We only talk about things that are real - " to Natalie saying everything she told was real.

I don't redact

redact abt accusing father

- deny* 6) Redact 49:24 to 50:05 "Jessie and Billy had a camera..."
- deny* 7) Redact 50:28 to end "Did anyone tell you to say these things..."
- deny* 8) Redact everything Natalie says she saw Aaron/Mom do to Blake and Kylie
- deny* 9) Redact everything Natalie says she saw Aaron/mom make Blake and Kylie do to Aaron/Mom

Blake Lusk Interview 3/11/14

redact abt dog running away

- deny* 1) Redact from beginning to 6:10 "The all ran away? Okay and that was all when you were living with your mom and Aaron?"
- deny* 2) Redact 10:35 "Once Momma had pills..." to 11:16 where Shauna asks "To eat?"
- redact* 3) Redact 23:28 "And with beer..." to 23:51 "...And Daddy let Kylie drink beer"
- deny* 4) Redact 36:10 "and um does Daddy have his own house or does he live with mommy" to 37:23 "Bradley?"
- deny* 5) Redact "Is there anything we talked about that's not real" 50:58 to 51:29
- deny* 6) Redact everything Blake says he saw Aaron/Mom do to Natalie and Kylie
- deny* 8) Redact everything Blake says she saw Aaron/mom make Natalie and Kylie do to Aaron/Mom

Blake Lusk Interview 4/11/14

- redact* 1) Redact 32:15 to 39:02
- redact* 2) Redact 49:25 to end of Blake describing all the drawings *redact abt stuff abt dad*
- deny* 3) Redact 52:40 to 53:22
- redact* 4) Redact 54:45 to end *what gma said*
- deny* 5) Redact everything Blake says he saw Aaron/Mom do to Natalie and Kylie
- deny* 6) Redact everything Blake says he saw Aaron/mom make Natalie and Kylie do to Aaron/Mom

Kiley Lusk Interview

- 1) Redact from beginning of interview to 5:04
- 2) Redact from 11:00 to 11:45
- 3) Redact everything Kylie says she saw Aaron/Mom do to Blake and Natalie
- 4) Redact everything Kylie says she saw Aaron/mom make Blake and Natalie do to Aaron/Mom

The portions indicated below were redacted from each video.

Natalie Lusk interview dated 2/19

1. 3:43-6:02
2. 9:12-9:18
3. 22:53-23:39
4. 36:29-37:24
5. 39:15-40:03
6. 40:09-40:32
7. 40:55-41:03
8. 42:52-44:10

Natalie Lusk interview dated 4/11

1. 00-2:34
2. 25:30-28:28
3. 34:57-39:10
4. 42:27-45:12
5. 45:35-45:53
6. 49:24-50:05

Blake Lusk interview dated 3/11

1. 5:40-6:42
2. 23:28-23:51
3. 36:10-38:45

Blake Lusk interview dated 4/7

1. 32:15-39:02
2. 43:15-44:30
3. 49:25-52:40
4. 54:45 to end of tape