



ALAN WILSON  
ATTORNEY GENERAL

August 17, 2017

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AUG 21 2017

SC Court of Appeals

Clifford F. Gaddy, Jr., Esquire  
408 N. Church Street, Suite B  
Greenville, South Carolina 29601

Re: The State v. Polly McAbee Hindman  
Appellate Case No: 2017-000635

Dear Mr. Gaddy:

I am in receipt of your letter dated August 2, 2017, by which you enclosed a copy of a letter of the same date written to the manager of the Woodlawn Memorial Funeral Home, as well as copies of a subpoena duces tecum and a notice of deposition, by which you explain you are seeking records from Woodlawn which you believe will substantiate allegations made by Ms. Hindman in this criminal appeal. As you are likely aware at this point, I chose not to attend the scheduled deposition as it has no direct bearing on the case now pending before the Court of Appeals. As previously indicated in a July 17, 2017 letter from former Assistant Attorney General Ranee Saunders, Rule 210(c) of the South Carolina Appellate Court Rules does not allow for the inclusion of evidence in this appeal that was not presented to the trial court. Consequently, any records you ultimately procure cannot be included in the record on appeal. Ms. Saunders also noted this office cannot consent to a motion for a new trial because the circuit court no longer has jurisdiction over the case. Furthermore, this office cannot consent to any motion for leave from the Court of Appeals to file a motion for a new trial in the lower court pursuant to Rule 29, SCRCrimP, because the documents you are now hoping to gather clearly cannot constitute after-discovered evidence under controlling case law. That being said, I truly appreciate your efforts to keep me informed of developments in this matter in regard to your representation of Ms. Hindman.

Sincerely,

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

cc: The Honorable Jenny A. Kitchings  
Victim Advocacy Division



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The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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