

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Colleton County

Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED
JUN 08 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL ANTHONY BODISON,

APPELLANT

APPELLATE CASE NO. 2017-000785

CONSENT MOTION TO SUBSTITUTE COPIES FOR ORIGINAL EXHIBITS IN THE
RECORD ON APPEAL

WHEREFORE, counsel for appellant and respondent jointly move this Court for an Order allowing the parties to substitute copies for original exhibits in the Record on Appeal. Counsel would show:

1. Both appellant and respondent designated State's Exhibit 1B and State's Exhibit 2G for the record on appeal.
2. The record on appeal was filed on June 7, 2018, and noted these exhibits were to be transported to the Court.
3. State's Exhibit 1B is a video recording of a police interview with appellant.
4. State's Exhibit 2G is an audio file of a recording made by the victim with her cell phone.

5. At trial, the attorneys entered CDs containing not only these two properly admitted exhibits, but also other audio and video files that were not admitted into evidence. Tr. pp. 41 – 44. The trial lawyers and the trial judge all understood that these two exhibits contained material that would not be admitted into the record. Tr. pp. 41 – 44.
6. Appellate counsel agree that the extraneous material on the original exhibits in the Clerk of Court’s office is not properly part of the Record on Appeal. Normally, exhibits on CD are transported to the Court. However, transporting these two exhibits would cause extraneous material to be entered into the Record on Appeal.
7. The parties ask this Court to allow the Attorney General to copy the two files that are properly part of the Record on Appeal on a CD and to file this CD as a substitute for the original, tainted exhibit.

Therefore, the parties ask this Court to issue an Order allowing the substitution of copies of State’s Exhibit 1B and 2G in lieu of transporting the original exhibits.

WE SO MOVE:



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June 8, 2018