

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
JUN 14 2018  
SC Court of Appeals

Appeal from Spartanburg County  
Honorable J. Mark Hayes, II, Circuit Court Judge  
Appellate Case Tracking No. 2016-002238

State of South Carolina,

Appellant,

vs.

Kenneth Taylor,

Respondent.

**MOTION TO ACCEPT COPIES IN LIEU OF EXHIBITS**

Appellant, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Appellant has designated two items including the audio recording of the magistrate court hearing and the dash camera video of the incident site. After discussion with the Spartanburg Clerk of Court's Office, the undersigned has learned the Clerk's Office does not have copies of either disc in their files. The undersigned asserts both were presented to the lower courts and are properly included in the Record on Appeal. See Rule 210(c), SCACR.

II.

Appellant contacted the magistrate court to determine whether either disc was within their files. The magistrate provided a copy of the audio from the hearing, as well as a letter indicating the disc containing the recording of the incident scene was forwarded to the Spartanburg County Clerk of Court. (See attached letter). He indicated the magistrate court no longer had access to the video file.

III.

The State has obtained a copy of the video file from the Solicitor's Office in Spartanburg. The State believes and asserts this is a true and accurate copy of the video as presented to both the magistrate court and circuit court. The State believes this is the only means of obtaining the video as neither the magistrate nor circuit court clerks have a copy and Respondent has not been responsive to any filings in this Court.

IV.

The State believes it would be appropriate for this Court to accept the copy of the magistrate hearing audio provided by the magistrate court and the copy of the video of the incident site provided by the Solicitor's Office in lieu of the exhibits produced at the hearings.

WHEREFORE, Appellant prays that the Court hold this matter in abeyance until ruling on this motion, accept the attached copy of the audio from the magistrate hearing and the attached copy of the video of the incident scene in lieu of the exhibits from trial; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Senior Assistant Attorney General

BY: 

William M. Blitch, Jr.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR APPELLANT

June 14, 2018

**SPARTANBURG MAGISTRATE COURT  
JUDICIAL CENTER  
180 Magnolia Street  
Spartanburg, South Carolina 29306**

Telephone: 864-596-2564

Fax: 864-596-3622

May 24, 2018

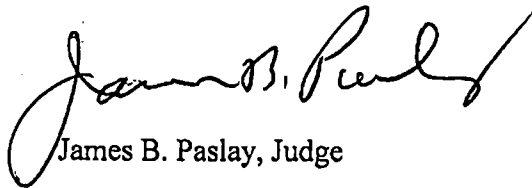
Mr. William M. Blich, Jr.  
Senior Assistant Attorney General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211-1549

Re: State vs. Kenneth Taylor  
Uniform Summon No. H276630

Dear Mr. Blich:

Enclosed is the audio recording of a motion hearing for the above referenced case held in this court on May 25, 2016. Once an appeal was filed all of the case file including the video of the incident scene was forwarded to the Clerk of Court of Spartanburg County. Accordingly, I have forwarded the only item his court has access to.

Very sincerely,



James B. Paslay, Judge

STATE OF SOUTH CAROLINA

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**PROOF OF SERVICE**

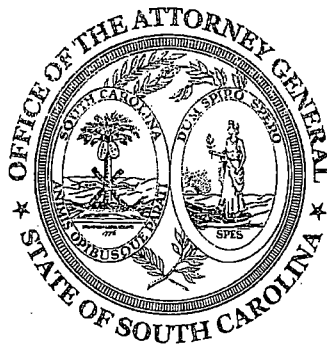
I, Anne A. Mueller, certify that I have served the Motion to Accept Copies in Lieu of Exhibits on Respondent by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Kenneth Taylor  
26-C Oakland Avenue  
Inman, South Carolina 29349

I further certify that all parties required by Rule to be served have been served.

This 14<sup>th</sup> day of June, 2018.

  
ANNE A. MUELLER  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

June 14, 2018

**RECEIVED**

JUN 14 2018

SC Court of Appeals

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State v. Kenneth Taylor  
Appellate Case Tracking No. 2016-002238

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Motion to Accept Copies in Lieu of Exhibits along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General

Enclosures

cc: Kenneth Taylor  
Victim Advocacy Division

Spartanburg Magistrate Court  
Judicial Center  
180 Magnolia St.  
Spartanburg, SC 29306

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DO NOT BEND