

STATE OF SOUTH CAROLINA

ORIGINAL

IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED

AUG 17 2018

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

HOMER ARTHUR JAMES,

APPELLANT

APPELLATE CASE NO. 2016-002046

RETURN TO MOTION TO ACCEPT EXHIBITS

Appellant, through undersigned counsel, hereby makes the following Return to the State's Motion to Accept Exhibit as ordered by this Court:

1.

Counsel for appellant has reviewed the State's motion, the affidavit from the solicitor, and the copy of the proposed replacement exhibit.

2.

Counsel for appellant has independently investigated the State's proposed exhibit. After conducting this investigation, appellant does not dispute the solicitor's affidavit nor the representations contained in the State's motion. Any possible remedy would only be a remand to

the circuit court, which would almost certainly find that the exhibit was acceptable. Seeing no need for this delay, counsel advises the Court that while he cannot consent to the State's motion, he cannot find a good faith basis to oppose it and respectfully leaves to this Court's discretion whether to accept the exhibit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Alexander', written over a horizontal line.

David Alexander
Appellate Defender

Attorney for Appellant

This 17th day of August, 2018.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Bamberg County

Honorable R. Lawton McIntosh, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

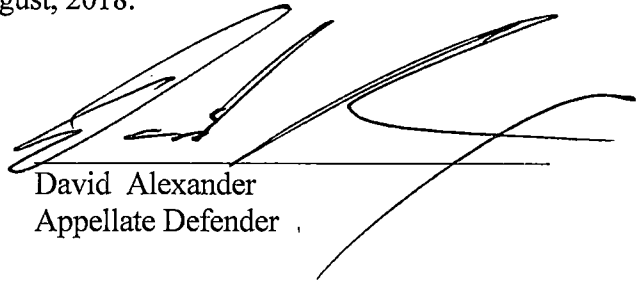
V.

HOMER ARTHUR JAMES,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Return to Motion to Accept Exhibits in the above referenced case has been served upon opposing counsel, V. Henry Gunter, Jr., Esquire and Mr. Homer Arthur James, #234214, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 17th day of August, 2018.



David Alexander
Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 17th day of August, 2018.

Courtney Powers (L.S.)
Notary Public for South Carolina
My Commission Expires: May 2, 2027.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
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Columbia, South Carolina 29201-3332
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 17, 2018

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AUG 17 2018

SC Court of Appeals

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

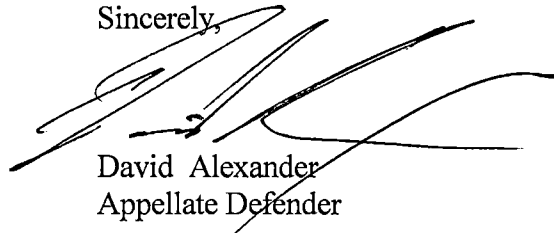
Re: The State v. Homer Arthur James; Appellate Case No. 2016-002046

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Return to Motion to Accept Exhibits in the above-captioned case.

Please call me if you have any questions.

Sincerely,



David Alexander
Appellate Defender

DAA/cp

Enclosure

cc: V. Henry Gunter, Jr., Esquire
Homer Arthur James