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January 15, 2013

**VIA EMAIL AND U.S. MAIL**

Bradley Churdar, Esquire  
1362 McMillan Ave., Suite 400  
Charleston, SC 29405

**Re: Tommy W. Berry vs. South Carolina Department of Health and  
Environmental Control-Ocean Coastal Resource Management  
Appellate Case No. 2011-192812  
Our File No. 22581-72957**

Dear Bradley:

We object to you requesting to present the enlarged versions of the photos at pages 000024, 000025 and 000035 of the Record on Appeal on the basis that the enlargement may be misleading or mis-characterized for relevant and accurate facts of this case. Further, to the extent that you may be using the enlarged photos to make an additional argument not preserved at the lower court hearing before Judge Culbertson on March 7, 2011 or argued in the appellate records.

Also, to the extent that you are requesting the enlarged photos, we would object on the grounds as being outside of the scope of the record before the court and therefore, as being unduly prejudicial.

**However, you are entitled to hand up photographs as they appear by size and dimension in the Record on Appeal.**

Should you have any questions or concerns, please give us a call at (843) 282-5393.

**RECEIVED**

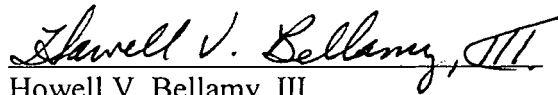
JAN 18 2013

S.C. SUPREME COURT

With kindest regards, I remain

Sincerely,

BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.



Howell V. Bellamy, III  
Howell V. Bellamy, Jr.

HVBIII/lh

cc:

The Supreme Court of SC

c/o Daniel E. Shearouse

Clerk of Court

1231 Gervais Street

Columbia, South Carolina 29201

**RECEIVED**

JAN 18 2013

**S.C. SUPREME COURT**