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October 1, 2020

The Honorable A. Claire Allen
Deputy Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

Oct 01 2020

SC Court of Appeals

Re: The State v. Nicholas Benjamin Chhith-Berry, Appellate Case No. 2019-000352

Dear Ms. Allen:

Today, I received a letter from you asking for an explanation as to why certain exhibits were necessary to aid the Court in its review of the above-referenced case. The listed exhibits were designated by the state. Therefore, I am unable to answer why the exhibits are necessary to aid the Court in its review of the appeal. Pursuant to Rule 210(c), SCACR, I prepared the record on appeal using all matter designated. Pursuant to Rule 210(f), SCACR, I prepared the order to transport the listed exhibits because those, which included items such as a pistol and knife, did not “reasonably lend themselves to accurate reproduction.”

Further, your letter asked for an explanation as to why “State’s Exhibit #2 (family tree diagram), State’s Exhibit #40 (DNA blood standards), and State’s Exhibit #56 (diagram)” “cannot be reproduced as part of the record on appeal.” State’s Exhibit #40 is actual blood; therefore, it does not “reasonably lend [itself] to accurate reproduction” under Rule 210(f), SCACR. Based upon my office’s communications with the Lexington County Clerk of Clerk, State’s Exhibit #56 and State’s Exhibit #2 are large, oversized exhibits, which do not “reasonably lend themselves to accurate reproduction.”

If you have any other questions or require any additional information, please do not hesitate to contact me.

Sincerely,

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

cc: J. Anthony Mabry, Esquire (via email only)