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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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**Feb 09 2022**

**SC Court of Appeals**

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February 9, 2022

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

Re: State v. James R. Rosenbaum, Appellate Case No. 2018-002240

Dear Ms. Kitchings:

Today, the Court of Appeals heard oral argument in the above-referenced case. During the argument, Judge Geathers asked me if the 911 call, which was marked as State's Exhibit #6 for the trial and included on the record on appeal, contained a racial slur. I answered that I had been unable to hear a racial slur used on the 911 call. In his argument before the Court, Respondent's counsel indicated that at the timestamp of 11:05 on the 911 call, the racial slur can be heard. I returned to my office and listened to the 911 call again, playing close attention to the timestamp specified by Respondent's counsel during the argument. After listening to the 911 call again with the benefit of the timestamp, I concede that a racial slur can be heard on the 911 call.

If you have questions or require more information, please contact me.

Sincerely,

Susan B. Hackett  
Appellate Defender

cc: James R. Rosenbaum  
Scott Matthews, Esquire (via email only)