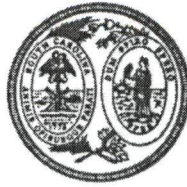


State of South Carolina



Spartanburg County Court House
180 Magnolia Street
Spartanburg, S.C. 29306
Phone (864) 596-2575
Fax (864) 596-2386

Cherokee County Court House
Floyd Baker Blvd.
Gaffney, S.C. 29340
Phone (864) 487-2576
Fax (864) 487-2753

BARRY J. BARNETTE
Solicitor, Seventh Judicial Circuit

TO: All Law Enforcement Officers and Agencies in the Seventh Judicial Circuit
(Cherokee and Spartanburg Counties)

FROM: Barry J. Barnette, Solicitor *BJB*

RE: Case File Preparation and Discovery

DATE: February 19, 2018

Dear Sirs and Madams:

I need your help in reference to case preparation and discovery for General Sessions Court in the Seventh Judicial Circuit. Our office needs copies of complete case files within thirty (30) days from the date of arrest in order to meet court-ordered requirements.

A complete case file should include, but is not limited to, the following items:

1. All Incident Reports (detailed as possible); including names of all Law Enforcement involved and other agency personnel on scene
2. All Supplemental and Forensic Reports including all reports involving any part of a law enforcement case file, including but not limited to all SWAT reports, Use of Force reports, K-9 Reports, and any report related to the case and the investigation of the case;
3. All Crime Scene Log Reports;
4. All Evidence Sheets, including all chain of custody information;
5. All pictures involving the victims (i.e. showing injuries) and setting of the alleged events;
6. All pictures involving the defendants (i.e. showing appearance, clothing, or what injuries that they may have);
7. All videotapes/DVDs/CDs involving the case (i.e. in-car videos from patrol cars, videos of the crime scene, statements of defendants, victims, and witnesses; surveillance videos/photos from stores and ATMs (in robbery and shoplifting cases);
8. All BWC videos from every officer present at the scene and any that have taken statements from the defendant(s), victim(s), and witnesses. If there is not any BWC footage, please include the failure to video affidavit.
9. On stolen vehicle and goods cases, the original Incident Report where the item was reported stolen;
10. All audiotapes involving the case;
11. All SLED (or other crime labs) intake forms;
12. All written and/or oral statements and Miranda waivers by defendants.
13. All written and/or oral statements by victim(s) and witnesses including their DOB; SSN; phone numbers and complete addresses;
14. All photo line-ups and corresponding affidavits;
15. All 911 tapes and CAD sheets;

16. All reports of field tested drugs (in drug cases), including all affidavits in the chain of custody;
17. All marijuana reports (in drug cases), including all affidavits in the chain of custody;
18. All implied consent forms, DataMaster test sheets, blood/urine collection forms, SLED intake forms in Felony DUI and DUI cases;
19. All accident reports in Felony DUI/Reckless Homicide/DUI cases;
20. All MAIT team or accident reconstruction reports in Felony DUI/Reckless Homicide/Failure to Stop with Death or GBI/Leaving the Scene with Death or GBI cases;
21. All driving records on defendants involving Felony DUI/Reckless Homicide/DUI/HTO/Failure to Stop/Leaving the Scene cases including any notice letters and certifications of mailing sent by the Department of Public Safety;
22. All victim information including VNI with complete addresses and phone numbers for victim and next of kin;
23. All Search Warrants with completed returns signed by the Magistrate Judge;
24. All reports received from other law enforcement agencies, Coroner's Office, SLED, and/or other forensic labs;
25. Everything that is involved in the case in any way.

I realize that State Law Enforcement Division (SLED) testing will probably not be done within the thirty (30) day period, but we need to show that SLED has received the evidence for testing through SLED Intake Forms. Please forward any SLED case reports that your department receives to us in a timely manner in order for the information to be shared with the defense attorney.

Our circuit has an Administrative Order approved by Chief Justice Donald W. Beatty. The Order creates mandatory guidelines for discovery to be provided to the defendants and their attorney(s). Judge J. Derham Cole is our Administrative Circuit Judge for the Seventh Judicial Circuit (Cherokee and Spartanburg County) and he will expect discovery involving everything in the case to be given to the defense within the time requirements of the Order.

If the discovery requirement is not complied with, the case can be dismissed. We do not want the Court to dismiss a case based on discovery not being shared with the defense.

If our office does not receive a complete case file from law enforcement, we cannot be prepared as well as we need to be to try the matter. In addition, law enforcement and prosecutors must turn over all evidence that shows the defendant is possibly not guilty of an alleged/a crime (exculpatory evidence). If this exculpatory evidence is not given to the defendant along with all other discoverable evidence, the case can be dismissed or the conviction overturned.

I have also enclosed a draft Search Warrant form for getting DNA samples from suspects for testing by SLED from evidence gathered at the crime scene. SLED has asked us to get the suspect DNA sample to them with the other evidence if possible. I would recommend a Search Warrant be used prior to the arrest or at the arrest of the defendant.

I appreciate your assistance on these matters and thank you and your officers for the hard work you do. If you have any questions or need any additional information, please contact me at 864-809-8039 or bbarnette@spartanburgcounty.org.

BJB:sop
Attachment: