



SOUTH CAROLINA

No statutory privilege for communications between a rape crisis counselor and a sexual assault victim

However, in *State v. Trotter*, 473 S.E.2d 452 (S.C. 1996), the South Carolina Supreme Court has determined that the records of a rape crisis counselor are not subject to disclosure under South Carolina Rule of Criminal Procedure 5 (a) (1) (D):

S.C. R. CRIM. PRO. 5 (a) (1) (D): Reports of Examinations and Tests

- Upon request of a defendant, the prosecution must permit the defendant to inspect and copy any results or reports of physical or mental examinations that are in the possession, custody, or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at trial

State v. Trotter, 473 S.E.2d 452, 454-55 (S.C. 1996)

- A rape crisis counselor provides only supportive counseling, and does not perform any physical or mental examination of sexual assault victims; therefore, no official medical reports or results are generated from a rape crisis counseling session
- There is nothing in the language of Rule 5 (a) (1) (D) requiring the prosecution to disclose a rape crisis counselor's notes from a counseling session
- Therefore, the prosecution is not required to produce rape crisis counseling notes under Rule 5 (a) (1) (D)

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