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SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

June 15, 2022

*Via Electronic Mail*

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

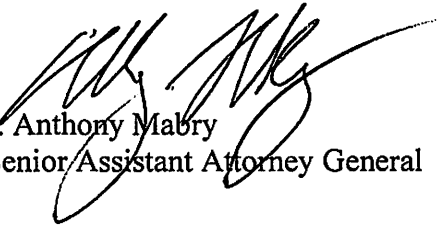
Re: *The State v. Johnathan Lamar Hillary*  
Appeal from Horry County  
Appellate Case No. 2019-001048

Dear Ms. Kitchings:

This letter is to correct my reference regarding an issue raised today at oral argument. The Court and Mr. David Alexander were correct in stating that my brief and statement at oral argument that the record reflects a phone call from the victim to Bernithia Young around 3:00 a.m., the date of the crime, is incorrect. I have reviewed the record after oral argument, and I previously misread or misunderstood the testimony. The record reflects the cell cite information showed both Bernithia Young's and the victim's cell phones were in the area of the victim's camper around 3:00 a.m., i.e. the cell phones were active or pinging using cell towers covering that area. (See R. 515-19) (See also R. 531-32). My misreading was based on testimony there was activity [using nearby towers] by both phones at the same time in the same area, as reflected on Record pages 516-18. However, my misreading or misunderstanding of the record is cleared up on pages 531-32 of the Record where it states there was no contact between victim's phone and Bernithia Young's phone around 3:00 a.m., but, as Mr. Alexander noted at argument, between Bernithia's and Hillary's phones. I apologize for the error and wished to correct it timely so the Court did not rely on any incorrect information in writing its Opinion in this case.

Please pass this letter on to all members of the Court Panel who heard the argument today. I have copied opposing counsel David Alexander, Esquire, on this letter. Thank you for your assistance in this matter. And, I again apologize for the error.

Sincerely,



J. Anthony Mabry  
Senior Assistant Attorney General

JAM:dmd

cc: David Alexander, Esq. (Via email only)