

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Steven H. John, Circuit Court Judge

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The State of South Carolina..... Respondent,

v.

Bruce Antwain Hill..... Appellant.

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REPLY BRIEF OF APPELLANT

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**RECEIVED**  
JUN 17 2013  
**SC Court of Appeals**

Jonathan M. Hiller, Esq.  
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ATTORNEY FOR APPELLANT

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I. Because it added nothing to the testimony already elicited, the entry of the SLED letter into evidence was gratuitous and unduly prejudicial ..... 1

II. If Respondent is correct that Appellant did not trigger the IAD, the IAD was still triggered. As such, Article IV of the act applies and the State requested no continuance during the 120 days it had to bring Appellant to trial ..... 1

## ARGUMENT

**I. Because it only served to reinforce the testimony already elicited, the entry of the SLED letter into evidence was gratuitous, unnecessary and unduly prejudicial.**

The out-of-jurisdiction cases cited in Respondent's brief all involve the common thread of testimony regarding background information about how a "CODIS hit" was made in a given instance. Appellant does not dispute Judge John's decision to allow the jury to hear such background testimonial information from a testifying witness.

However, the actual references to CODIS that occurred during Appellant's trial, coupled with placing into evidence the exact letter the South Carolina Law Enforcement Division used to alert the Horry County Police Department as to Appellant's CODIS hit, prejudiced Appellant unnecessarily in front of the jury. The decision to allow the letter into evidence went far beyond simply providing the jurors with background information about how Appellant came to be associated with the police investigation in this case. The State pushed too far, and Appellant should receive a new trial as a result.

**II. Even if Respondent is correct that Appellant did not trigger the IAD, the IAD was still triggered. As such, Article IV of the act applies, and the State requested no continuance during the 120 days it had to bring Appellant to trial.**

Respondent argues that Appellant's request to have his pending charges disposed did not fall under the Agreement on Interstate Detainers Act (IAD) because Appellant had not yet been indicted by the Grand Jury. Basically, although the State proceeded under the IAD at the trial level, Respondent argues that, because an arrest warrant is not an "untried indictment, information or complaint" Appellant's request for the disposition of his pending charges never triggered the protection afforded prisoners under the IAD.

As the Record on Appeal shows, the State filed Form VI indicating that it would take temporary custody of Appellant under the IAD. (R4. p. \_\_\_). The State cannot act under the IAD at the trial level and then disavow the application of the act to Appellant's request for final disposition of his charges on appeal. Appellant believes the proper issue before the Court on appeal is whether Judge John granted a continuance for good cause. If the State failed to make this showing, then the continuance was not properly granted and Appellant's conviction must be vacated.

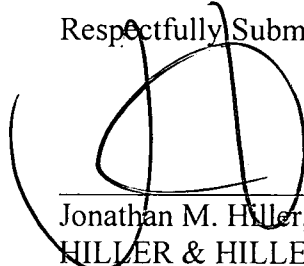
Respondent has asked this Court conclude that detainers filed against prisoners in out-of-state penal institutions based on arrest warrants do not trigger the protects of the IAD. Respondent argument that an arrest warrant is not the equivalent of an "untried indictment, information or complaint" as stated in Article III(a) of the IAD. Even if the Court agrees with Respondent with regard to this point, Appellant respectfully suggests that the IAD was still triggered and still applies to this case.

In response to Appellant's filing received September 3, 2010, the State initiated the transfer of Appellant from Tennessee under the IAD. It cannot be that the act does not apply as Respondent suggests. Rather, if a detainer filed pursuant to the arrest warrant does not give an out-of-state prisoner recourse under the IAD and the receiving state (in this instance South Carolina) requests temporary custody of an inmate, then Article IV of the IAD has been triggered.

Under Respondent's theory that the IAD does not apply to Appellant's request for the disposition of his pending charges, the State of South Carolina certainly filed under – and took advantage of -- the provisions of the IAD. Thereafter, the State then requested a continuance 180 days after it sought to take temporary custody of Appellant. This request

was made 60 days beyond the 120 days granted by the IAD, so Appellant's conviction should be vacated if this court concludes that Appellant did not trigger the protections afforded to him under the provisions of the IAD.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'J. Hiller', is written over a horizontal line. The signature is stylized and somewhat circular.

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June 13, 2013

ATTORNEYS FOR APPELLANT

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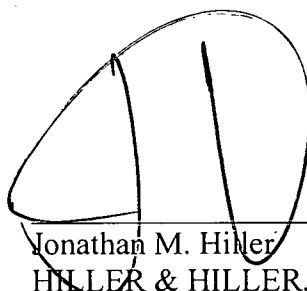
v.

Bruce Hill ..... Appellant.

PROOF OF SERVICE

The undersigned certifies that on this, the 13th day of June 2013, he served a true copy the Reply Brief of Appellant on the Respondent by mailing the same via the United States Postal Service to the following addresses with sufficient postage attached:

Anthony Mabry, Esq.  
Assistant Attorney General  
PO Box 11549  
Columbia, SC 29211



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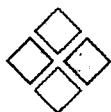
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ATTORNEY FOR APPELLANT

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**HILLER & HILLER, PA**  
Defense Lawyers. We Defend to Restore.

June 13, 2013

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

RE: State of South Carolina v. Bruce Hill – Tracking No. 2011199807

Dear Madame Clerk:

Enclosed for filing, please find the Reply Brief of Appellant together with my Proof of Service stating that the Respondent has been served with the same.

Sincerely,

Jonathan M. Hiller  
Attorney at Law

cc: Anthony Mabry, Esq.  
Court Administration

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