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SC Court of Appeals



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March 1, 2024

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

Re: Victor D. Smith v. The State, Appellate Case No. 2019-000549, **Supplemental Authority submission**

Dear Ms. Kitchings:

The above-referenced case is scheduled for oral argument on Tuesday, March 12, 2024, at 10:40 a.m. in Courtroom I. Pursuant to Rule 208(b)(7), SCACR, please accept the supplemental authority of State v. Middleton, 441 S.C. 55, 893 S.E.2d 279 (2023) that is pertinent authority for the sole issue before the Court. In State v. Middleton, 441 S.C. 55, 893 S.E.2d 279 (2023) the Supreme Court held that the Detective's opinion on Middleton's conduct or silence as being indicative of his consciousness of guilt was not relevant, it is improper, and the error was not harmless.

Thank you for making the panel the panel aware of this supplemental authority. If you have any questions or concerns, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "R M Dudek".

Robert M. Dudek
Chief Appellate Defender

RMD/sep

cc: Shayla J. Flores, Esquire