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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

May 8, 2025

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

Re: *The State v James M. Brown*
Appeal from Chesterfield County
Appellate Case No. 2021-000469
SCACR, Rule 208(b)(7) Letter of Supplemental Citations

Dear Ms. Kitchings:

This letter is a Supplemental Citations letter to the above appeal pursuant to Rule 208(b)(7), of the South Carolina Appellate Court Rules (SCACR).

The South Carolina Supreme Court recently refined the standard of review for considering trial court rulings addressing Fourth Amendment challenges in State v. Frazier, 437 S.C. 625, 879 S.C. 762 (2022). This appellate review now involves a two-step inquiry: we review “the trial court’s factual findings for any evidentiary support, but the ultimate legal conclusion” is a question of law the appellate court reviews de novo. Id. Pursuant to Rule 208(b)(7), SCACR, this citation is to page 16 and 17 of the Amended Final Brief of Respondent, as State v. Wright, 391 S.C. 436, 443, 706 S.E.2d 324, 326 (2011), quoted and cited on these pages, is no longer the law and has been replaced by the holding in State v. Frazier, *supra*.

Further, this Court inquired at oral argument about State v. Rashun Carter and its’ possible applicability to this case. Respondent submits as additional authority for its position in its’ Final Amended Brief of Respondent and in response to this Court’s inquiry at oral argument both State v. [Rashun] Carter, 445 S.C. 157, 912 S.E.2d 264 (2025), and State v. [Rashun] Carter, 438 S.C. 463, 884 S.E.2d 195 (2022), *affirmed*, 445 S.C. 157, 912 S.E.2d 264. Respondent submits these citations support Respondent’s positions at pp. 20-28 of the Final Amended Brief of Respondent.

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
May 8, 2025
Page 2

Respondent is citing both opinions because in Carter, 445 S.C. 157, 912 S.E.2d 264, the South Carolina Supreme Court affirmed this Court's decision in Carter, 438 S.C. 463, 884 S.E.2d 195, finding this Court "engaged in sound analysis" and found "no fault" in this Court's choice to decide the appeal on one basis. Carter, 445 S.C. at 162, 912 S.E.2d 264. The Supreme Court then decided the case on a completely different basis. Carter, 445 S.C. at 162-64, 912 S.E.2d 264.

Please provide the Honorable Judges of the panel assigned to this appellate case with a copy of this letter of supplemental citations pursuant to Rule 208(b)(7), SCACR. Opposing counsel, Robert M. Dudek is being provided with a copy of this letter of supplemental citations pursuant to Rule 208(b)(7), SCACR.

Thank you for your assistance in this matter.

Respectfully submitted,

s/ J. Anthony Mabry
J. Anthony Mabry
Senior Assistant Attorney General

:dmd

cc: Robert M. Dudek, Esq. (via email only)