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SC Court of Appeals



ALAN WILSON
ATTORNEY GENERAL

June 9, 2025

VIA electronic mail

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

Re: State v. Arkevus Cauthen
Appellate Case No.: **2022-001268**

Dear Ms. Kitchings,

Oral argument is scheduled in this case on June 11, 2025, in Courtroom II. Pursuant to Rule 208(b)(7), SCACR, Respondent respectfully wishes to call to the Court's attention the following additional authority:

United States v. Becker, 929 F.2d 442, 444 (9th Cir. 1991) (holding search warrant for residence implicitly authorized police to dig beneath concrete slab in yard where drugs were buried); Ingram v. Com., 200 Ky. 284, 254 S.W. 894, 895 (1923) (holding search warrant authorizing search of premises, specifically naming residence and outbuildings, authorized search of "garden" where whiskey was hidden); Com. v. Perez, 922 N.E.2d 855, 858 (Mass. App. Ct. 2010) (holding search warrant for residence authorized police to uncover drugs from "freshly disturbed earth"); State v. St. Louis, 18 A.3d 648, 662 (Conn. App. 2011) (explaining "excavation of land is within the scope of a warrant that authorizes the search of an exterior premises").

By copy of this letter, I am notifying opposing counsel of the submission of this supplemental authority.

Sincerely,

Joshua A. Edwards
Assistant Attorney General
Bar No. 101188

cc: David Alexander, Esq.