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S.C. SUPREME COURT



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Wanda H. Carter, Interim Chief Appellate Defender

September 10, 2025

Honorable Patricia A. Howard
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Andre T. Heatley, Jr. v. The State
Appellate Case No. 2023-001526

Dear Ms. Howard:

The above-referenced case is scheduled for oral argument on September 24, 2025. Pursuant to Rule 208(b)(7), SCACR, I am submitting supplemental authority that is pertinent and significant authority as to trial counsel's effectiveness in not objecting to the propriety of the trial court's handling of the lone juror and instructing the jury on its oath. Recently, this Court's opinion in State v. Erb, No. 2024-001518 (S.C. Sept. 3, 2025) addressed the trial court's improper handling of a juror who changed their verdict during polling over objection from defense counsel.

Sincerely,



Gary H. Johnson
Appellate Defender

GHJ/dwb

cc: D. Russell Barlow, II