



ALAN WILSON  
ATTORNEY GENERAL

October 9, 2025

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SC Court of Appeals

**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. Phillip Lawson**

Appellate Case No.: **2023-001190**

Dear Ms. Kitchings,

Oral argument is scheduled in this case on November 6, 2025, in Courtroom I. Pursuant to Rule 208(b)(7), SCACR, Respondent respectfully wishes to call to the Court's attention the following additional authority:

People v. Anderson, 61 Cal. Rptr. 3d 903, 915 (Cal. Ct. App. 2007) (approving following model jury instruction: "Do not automatically reject testimony just because of inconsistencies or conflicts. Consider whether the differences are important or not. People sometimes honestly forget things or make mistakes about what they remember. Also, two people may witness the same event yet see or hear it differently."); Dodds v. Stellar, 175 P.2d 607, 616 (Cal. Dist. Ct. App. 1946) (holding instruction that "failure of recollection is a common experience and innocent misrecollection is not uncommon" was not improper, explaining the statement is "a truism and is harmless"); Cox v. Gustafson, 493 P.2d 52 (Or. 1972) (explaining following instruction was not a comment on the facts: "Discrepancies in a witness' testimony or between his testimony and that of others, if there was in fact any, do not necessarily mean that the witness should be totally discredited. Failure of recollection is a common experience. An innocent misrecollection is not unknown. It is a fact also that two persons witnessing an incident or transaction often will see or hear it differently. Whether the discrepancy pertains to a fact of importance or only to a trivial detail should be considered in weighing its significance.").

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'J Edwards', written in a cursive style.

Joshua A. Edwards  
Assistant Attorney General  
Bar No. 101188

cc: David Alexander, Esq.