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February 27, 2014

RECEIVED

FEB 27 2014

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

S.C. Supreme Court

Re: The State v. Curtis J. Simms, Appellate Case No. 2013-001219

Dear Mr. Shearouse:

This case is scheduled for oral argument on Wednesday March 5, 2014, at 9:30 AM. The time allotted for the argument is 15-15-5. Due to the expedited nature of this case, I plan to split the argument time with co-counsel David Alexander. I would like to allocate the first nine minutes of our opening time to Issues 1 and 2, which I plan to argue. I would like to allocate the remaining six minutes to Mr. Alexander, who plans to argue Issue 3. Mr. Alexander plans to address the Court during Reply. I have conferred with Salley Elliott of the Attorney General's Office and she consents to this argument allocation. If this arrangement is not suitable to the Court, please let me know as soon as possible so that Mr. Alexander and I can plan accordingly.

Additionally, pursuant to Rule 208(b)(7) SCACR, I would respectfully draw the Court's attention to additional authority that may bear on Issue 3. This additional authority is: S.C. Code Ann. § 16-19-40; S.C. Code Ann. § 16-19-60 (repealed); S.C. Code Ann. § 16-505.1 (1962); 1986 S.C. Acts 540, Part II, § 26B; 1999 S.C. Acts 125; Joytime Distrib. & Amusement Co. v. State, 338 S.C. 634, 528 S.E.2d 647 (1999); State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991).

By email and hand-delivered copy of this letter, I am notifying Ms. Elliott of this submission of additional authority.

Respectfully,

Robert M. Dudek
Chief Appellate Defender

cc: Salley W. Elliott, Esquire
David Alexander, Esquire
Susan B. Hackett, Esquire
Jonathan Gasser, Esquire
Client