



ALAN WILSON  
ATTORNEY GENERAL

June 3, 2014

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

**RE: State of South Carolina v. Walter Douglas Barclay**  
**Appellate Case No. 2012-212639**  
**SUPPLEMENTAL CITATIONS**

**RECEIVED**

JUN 03 2014

**SC Court of Appeals**

Dear Ms. Kitchings:

Oral argument in the above referenced case is scheduled for Thursday, June 5, 2014, in Courtroom I. Pursuant to Rule 208(b)(7), SCACR, I am notifying the Court of following supplemental citations, which are pertinent to Issue 3 in the Briefs regarding the admission of Appellant's blood test results and Missouri v. McNeely:

- (1) People v. Harris, 225 Cal.App.4th Supp. 1, 5, 170 Cal.Rptr.3d 729, 731-32 (Cal.SuperA.D. 2014) (holding that no special facts establishing exigent circumstances were required because the blood draw was independently justifiable as a consent search pursuant to the implied consent law);
- (2) State v. Yong Shik Won, --- P.3d ---, 2014 WL 1270615 (Hawai'i App., as amended May 2, 2014) ("McNeely addressed the narrow question of whether the dissipation of alcohol in the bloodstream establishes a *per se* exigent-circumstances exception to the warrant requirement for nonconsensual blood draws for [driving under the influence] arrests. McNeely did not address other potential exceptions to the warrant requirement, the Fourth Amendment implications of breath tests, the validity of implied consent statutes, or the validity of breath tests conducted pursuant to such statutes.");
- (3) State v. Padley, 2014 WL 2117390 (Wis.App. 2014) (concluding that the defendant failed to demonstrate her consent to a blood draw was invalid or involuntary); and
- (4) State v. Brooks, 838 N.W.2d 563, 571 n7 (Minn. 2013) ("This case is therefore materially different from McNeely on the issue of consent. In McNeely, the suspect refused to provide a blood sample after police read him the state's implied consent advisory, and police took the sample despite the refusal.").

Thank you for your attention to this matter, and please do not hesitate to contact me should there be any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina J. Catøe". The signature is fluid and cursive, with the first name being the most prominent.

Christina J. Catøe  
Assistant Attorney General  
SC Bar No. 73562

CJC/

cc: John B. Shupper (via fax, e-mail, and U.S. mail)  
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