



ALAN WILSON  
ATTORNEY GENERAL

June 25, 2014

The Honorable Daniel E. Shearouse  
Clerk of Court  
Supreme Court of South Carolina  
1231 Gervais Street  
Columbia, SC 29201  
**Via hand delivery**

Re: State v. Nathaniel Murray

Dear Mr. Shearouse:

The above case was argued to the Court yesterday at 9:30 a.m. During oral argument, the Court inquired as to whether common law robbery would be a serious offense pursuant to the three strikes provision found in S.C. Code Section 17-25-45(C)(2). Upon review, it does not appear that common law robbery is a serious offense for purposes of this statute.

Further, during argument I referenced footnote 12 in Deck v. Missouri, 544 U.S. 622 (2005) as a possible test to determine the use of non-visible shackles. However, I neglected to mention it was footnote 12 of Justice Thomas' dissenting opinion in that case. Please let me know if the Court wishes anything further of me.

Very truly yours,

David Spencer  
Senior Assistant Attorney General

cc: Dayne Phillips, Esquire