



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

July 9, 2014

**RECEIVED**

JUL 09 2014

**SC Court of Appeals**

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

Re: State v. Michael C. Andes  
Appellate Case No. 2011-204706

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), SCACR, counsel for Appellant notifies the Court of the opinion in the following cases, which came to the attention of counsel for Appellant after the filing of his initial brief. The authorities are pertinent and significant because they address whether an expert witness' use of a term that has both a vernacular meaning and that embodies a distinct legal meaning or finding improperly invades the province of the jury and is therefore irrelevant and inadmissible. Appellant's brief addresses this issue in section II of the argument.

1. *Dickerson v. State*, 269 S.W. 889, 894-895 (Mo. 2008) (discussing objection to medical examiner's use of term homicide as invading province of jury);
2. *State v. Hagen*, 53 P.3d 885, 894-895 (Mont. 2002) (discussing objection to autopsy report's use of term homicide);
3. *Burnett v. State*, 2003 WL 21480965 at \*2-3 (Ark.) (holding objection to title "Homicide" in police officer's diagram properly overruled because officer explained his use of term as argot separate and distinct from the question at issue in the case).

Sincerely,

Benjamin John Tripp  
Appellate Defender

cc: David Spencer, Esq.