



ALAN WILSON
ATTORNEY GENERAL

September 8, 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. James Harris
Appellate Case No. 2012-207968
(Oral argument scheduled for tomorrow, September 9, 2014 at 2:20 pm)

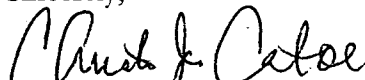
Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), SCACR, I am notifying the Court of the following supplemental citation, which is relevant to Issue 2 regarding the propriety of sentence enhancement:

State v. Donahue, 400 S.C. 604, 735 S.E.2d 547 (Ct. App. 2012) (“Similarly, nothing in the language of subsection 16–11–313(B) limits a circuit court to considering only South Carolina offenses. Therefore, a circuit court must consider an out-of-state burglary conviction in determining the sentencing range for third-degree burglary. ... Moreover, Donahue's interpretation of subsection 16–11–313(B) would produce absurd results.”)

I would greatly appreciate it if you would provide this supplemental citation to the appropriate panel prior to the oral argument tomorrow afternoon. Thank you for your attention to this matter, and please do not hesitate to contact me at (803) 734-3713 should there be any questions or concerns.

Sincerely,


Christina J. Catoe

Assistant Attorney General

RECEIVED

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SC Court of Appeals

cc: Carmen V. Ganjehsani, Esquire (via e-mail and U.S. mail)
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