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OF COUNSEL  
O. Eugene Powell, Jr.

September 8, 2014

RECEIVED  
SEP 08 2014  
SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

***Re: State v. Joseph Bradley Loftin  
Appellate Case No. 2012-209191***

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), SCACR, Appellant responds to the State's letter of Friday, September 5, 2014, as follows:

- (A) *Armstrong v. Atlantic Coast Line R. Co.*, 137 S.C. 113, 133 S.E. 826 (1926) (in case not cited since 1938, Supreme Court narrowly held that where judge admits evidence subject to revisiting the evidence after the proponent has connected the evidence to the case, and the judge clearly states such a limited ruling, then the failure to renew the objection after the line of inquiry is complete operates as a waiver of the issue).
- (B) *State v. Forrester*, 343 S.C. 637, 642, 541 S.E.2d 837, 840 (2001) (Court found exception to the requirement to renew objection following in limine ruling because there was no evidence presented between ruling and proffer and thus nothing to persuade judge to change ruling).
- (C) *State v. Wiles*, 383 S.C. 151, 157, 679 S.E.2d 172, 175 (2009) (explaining Forrester rule and expanding it to case where judge, by actions, clearly indicates ruling is final rather than preliminary).

(D) State v. Ateih, 397 S.C. 641, 725 S.E.2d 730 (Ct. App. 2012) (insofar as State contends this Court in Ateih “limit[ed] application of the Supreme Court’s Forrester rule, under Const. art. V, Sec. 9, this Court is bound by the Supreme Court precedent of Wiles and Forrester and may not “limit” or otherwise apply that ruling in a more narrow manner that the Supreme Court instructs).

Yours very truly,

A handwritten signature in black ink that reads "John Delgado". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John Delgado

JDD/cw

cc: David Spencer (via email only dspencer@scag.gov)