



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

December 11, 2014

DEC 11 2014

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: The State v. Diamon D. Fripp
Appellate Case No: 2012-212201

Dear Mr. Shearouse:

Pursuant to Rule 208(b)(7), SCACR, and based upon questions from the Court during the oral argument in the appeal listed above, please accept the following as supplemental authority to support the State's contention that sufficient circumstantial evidence of actual and constructive possession supported the jury charges given by the trial judge in this case:

State v. Bowers, 301 S.C. 457, 392 S.E.2d 482(Ct.App. 1990)(stating sufficient circumstantial evidence of defendant's actual possession was presented when officers heard movement inside the home and, after entering, found the defendant near the bathroom where drugs were found in the toilet and, alternatively, was sufficient of constructive possession because the defendant lived in the home with his mother).

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General
S.C. Bar No: 1871

SWE/ab

cc: Jared S. Newman, Esquire