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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

October 12, 2015

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

Re: State v. George White, 2013-000638

Dear Ms. Kitchings:

Oral argument is scheduled in the referenced case for tomorrow, October 13, at 12:00 p.m. Pursuant to Rule 208(b)(7), SCACR, I would refer to the following as additional authority:

State v Anderson, 413 S.C. 212, 776 S.E.2d 76 (2015) (finding expert testimony on behavioral characteristics of abused children admissible; suggesting better practice is for separate person other than interviewer to provide expert testimony on behavior characteristics of abused children because it runs the *risk* of bolstering);

State v. Brown, 411 S.C. 332, 768 S.E.2d 246 (Ct. App. 2015) (finding expert testimony on delayed disclosure was not bolstering);

State v. Smith, 411 S.C. 161, 767 S.E.2d 212 (Ct. App. 2014) (cert. denied June 15, 2015) (finding testimony about delayed disclosure from therapist treating victim was appropriately general);

Perez v. State, 313 P.3d 862 (Nev. 2013) (on expert testimony on grooming and whether it is impermissible character evidence);



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Vaughn v. State, 362 S.C. 163, 607 S.E.2d 72 (2004) (noting conduct that would otherwise be improper may be excused under the “invited reply” doctrine if the prosecutor’s conduct was an appropriate response to statements or arguments made by the defense);

United States v. Robinson, 485 U.S. 25, 33 (1988) (“[I]t is important that both the defendant and the prosecutor have the opportunity to meet fairly the evidence and arguments of one another.”);

Fields v. Melrose Ltd. Partnership, 312 S.C. 102, 439 S.E.2d 283 (Ct. App. 1993) (appellant may not use the reply brief to argue issues not argued in appellant’s brief in chief).

I am also forwarding a copy of this letter by e-mail attachment to opposing counsel.

Sincerely,



David Spencer
Senior Assistant Attorney General

cc: Rachel Atkin Hedley, Esquire
rachel.hedley@nelsonmullins.com