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October 22, 2015

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk  
The South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Fred Gatewood v. SCDC  
Appellate Case No. 2014-001199

Dear Ms. Kitchings:

Pursuant to SCACR 208(b)(7), a party must advise the Clerk of pertinent and significant authorities coming to the party's attention after initial briefs have been filed. In compliance with the rule, please be advised of the following cases: Herron v. Century BMW 395 S.C. 461, 719 S.E. 2d 640, 644 (S.C., 2011) (Supreme Court resolved issue solely on basis of law presented to Court by the parties, citing State v. Austin 409 S.E. 2d 811, 817 (Ct. App., 1991); SCDC v. James Op. No. 2010-UP-25 (S.C. App., 4-26-10) (S.C. Code §24-3-40(A) discussed as basis for prison industries pay deductions from inmates' gross wages).

These cases came to my attention since initial briefs have been filed, as pertinent to issues 2 and 7, as follows: Herron, pages 10 and 28-30 of inmates' brief, in addition to other portions of the brief (p. 24) where it is discussed; and James, pages 10-15 of inmates' brief.

Herron is pertinent to the ALC raising §24-1-295 (issue 2), and issue preservation regarding overtime pay (issue 7); as grounds for its rulings. James is pertinent to the issue of which statute governs deductions from inmates' gross wages (issue 2).

Sincerely,



Douglas H. Westbrook

DHW/

cc: Lake E. Summers, Esquire

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