

November 23, 2015

Clerk, Court of Appeals of South Carolina  
Post Office Box 11629  
Columbia, SC 29211

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SC Court of Appeals

Re: The Winthrop University Trustees v. Pickens Roofing  
Appellate Case No.: 2012CP4603151  
Our File Number: 2868-1003218

Dear Madame Clerk,

Additional pertinent and significant authorities have come to the undersigned's attention since the service and filing of the briefs. Pursuant to Rule 208(b)(7), SCACR, the undersigned provides the following citations as supplemental citations:

1. **S.C. Code Ann. § 14-7-1030 (1976). Time for making objections to jurors.**

All objections to jurors called to try prosecutions, actions, issues, or questions arising out of actions or special proceedings in the various courts of this State, if not made before the juror is impaneled for or charged with the trial of the prosecution, action, issue, or question arising out of an action or special proceeding, is waived, and if made thereafter is of no effect.

This statute is relevant to the argument raised by Winthrop in Issue II of the Respondent's brief, and responded to by Pickens in Issue II of its Reply brief, regarding the timing requirements for raising an objection to a prospective juror and the effect of objections raised after a jury is impaneled.

2. **S.C. Code Ann. § 14-7-1140 (1976). Effect on verdict of irregularity in venire, drawing, and the like of jurors.**

No irregularity in any writ of venire facias or in the drawing, summoning, returning, or impaneling of jurors is sufficient to set aside the verdict, unless the party making the objection was injured by the irregularity or unless the objection is made before the returning of the verdict.

This statute is relevant to the argument raised by Winthrop in Issue II of the Respondent's brief, and responded to by Pickens in Issue II of its Reply brief, regarding the requirements for preservation of alleged error occurring during jury selection; the requirement of "injury" (referred to by both parties as "prejudice" in the briefs); and the standard of review a court must apply before setting aside a verdict based on any such error.

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3. ***Wilson v. Childs*, 315 S.C. 431, 436, 434 S.E.2d 286, 290 (Ct. App. 1993)**

This case is relevant to the argument raised by Winthrop in Issue II of the Respondent's brief, and responded to by Pickens in Issue II of its Reply brief, regarding the requirement that an appellant demonstrate it was prejudiced by service of a particular juror on the jury.

4. ***S. Welding Works, Inc. v. K & S Const. Co.*, 286 S.C. 158, 161-62, 332 S.E.2d 102, 104-105, (Ct. App. 1985)**

This case is relevant to the argument raised by Winthrop in Issue II of the Respondent's brief, and responded to by Pickens in Issue II of its Reply brief, regarding the timing requirements for raising an objection to a prospective juror, the effect of objections raised after a jury is impaneled, and the necessity that "it affirmatively appears that the object party was prejudiced thereby."

The undersigned has sent a copy of this letter to all counsel of record as required by the rule. Thank you for your consideration.

Sincerely,

BUTLER WEIHMULLER KATZ CRAIG LLP



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