



ALAN WILSON
ATTORNEY GENERAL

May 9, 2016

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Christopher Terrell Gilyard
Appellate Case No. 2014-001714

Dear Ms. Kitchings:

I am in receipt of Appellant's May 4, 2016, letter drawing the Court's attention to additional authority bearing on Issue 3 of appellant's brief in the above referenced case. Initially I note that the opinion referenced, State v. Stukes, Op. No. 27633 (S.C.Sup.Ct. filed May 4, 2016) (Shearouse Adv.Sh. No. 18 at 25), is not yet final because the time for the parties to petition for rehearing has not yet expired and the remittitur has not been sent to the lower court.

Nevertheless, to the extent that opinion remains unmodified and ultimately becomes final, the State, pursuant to Rule 208(b)(7), SCACR, likewise notifies the Court of the opinion as supplemental authority in regard to the brief of respondent:

See State v. Stukes, Op. No. 27633 (S.C.Sup.Ct. filed May 4, 2016) (Shearouse Adv.Sh. No. 18 at 25) (acknowledging that any error in a trial court charging the jury with the language of section 16-3-657 that a victim's testimony need not be corroborated by additional evidence is subject to a harmless error analysis).

As noted by Appellant, one of the issues on appeal in the present case is the propriety of the trial court charging the jury that the testimony of the victim in a sexual assault case need not be corroborated. Harmless error analysis is particularly relevant to this case where our Supreme Court found in Stukes, "it is inescapable that this charge confused the jury" because the jury queried "whether our law implies a victim's testimony must be accepted as being true." Stukes at 20-30. No such query from the jury occurred here. Additionally, the jury charge given in Appellant's case specifically eliminated the possibility of such confusion. Thank you for your attention to this

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matter. Please do not hesitate to contact me at (803) 734-3747 should there be any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Benjamin Aplin". The signature is fluid and cursive, with the first name "J." being particularly prominent.

J. Benjamin Aplin
Senior Assistant Deputy Attorney General

cc: David Alexander, Appellate Defender