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S.C. SUPREME COURT

March 17, 2017

The Honorable Daniel E. Shearouse
Clerk of Court, S.C. Supreme Court
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State v. Jonathan X. Miller
Appellate Case No: 2016-000862

Dear Mr. Shearouse:

Pursuant to Rule 208(b)(7), SCACR, I am notifying the Court of the following supplemental citations:

Cady v. Dombrowski, 413 U.S. 433 (1973) (finding no Fourth Amendment violation because the warrantless search of the defendant's vehicle was not unreasonable since the police has exercised a form of custody of the car, which constituted a hazard on the highway, and the disposition of which by the defendant was precluded by his intoxicated and later comatose condition).

United States v. Brown, 787 F.2d 929 (4th Cir. 1986) (holding that defendant's vehicle was lawfully impounded following his arrest for driving under the influence of alcohol and ensuing inventory search was valid).

Cabbler v. Superintendent, Virginia State Penitentiary, 528 F.2d 1142 (4th Cir. 1975) (holding the initial impoundment of defendant's car, at the time of his arrest at the hospital, was reasonable as sound police practice to protect both the defendant from loss and the city from damage claims, and the impoundment was also justified by the fact that the car constituted a nuisance in the driveway of the hospital emergency room).

United States v. Rodriguez-Morales, 929 F.2d 790 (1st Cir. 1991) (holding that when driver and passenger lacked valid licenses, decision to remove car to state police barracks was reasonable exercise of community caretaking function regardless of whether there was any lawful arrest of the driver).

United States v. Marshall, 168 F.Supp.3d 846 (D.S.C. 2016) (holding police officers' decision to tow pick-up truck defendant had been driving prior to his arrest was reasonable, and thus did not violate the Fourth Amendment).

United States v. Cartrette, 502 Fed. Appx. 311 (D.S.C. 2012) (unpublished – see Rule 32.1, FRCP) (discussing the well-recognized inventory search exception to the warrant requirement).

United States v. McIlwain, 2012 WL 5306202 (D.S.C. 2012) (not reported – see Rule 32.1, FRCP) (addressing whether an inventory search was conducted pursuant to reasonable police regulations administered in good faith).

S.C. Code Ann. § 16-11-760 (2016) (“Parking on private property without permission; removal of vehicles; lien for towing and storage; sale of vehicles; penalty for violation).

2003 Act No. 71 (Motor Vehicles), eff. June 25, 2003.

The issue on appeal in the present case is whether the Court of Appeals properly affirmed the trial court’s denial of Petitioner’s motion to suppress the crack cocaine found during an inventory search of the car he was driving following his arrest. Thank you for your attention to this matter. Please do not hesitate to contact me at (803) 734-3747 should there be any questions or concerns.

Sincerely,



J. Benjamin Aplin
Senior Assistant Deputy Attorney General

cc: Wanda H. Carter, Deputy Chief Appellate Defender
Assistant Solicitor Brent H. Arant, Esquire