



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

June 6, 2017

RECEIVED

JUN 06 2017

SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629

RE: Lance Leon Miles v. State,
Appellate Case No.: 2015-000308

Dear Mrs. Kitchings:

Oral argument is scheduled in the above referenced case for June 7, 2017 at 10:00 a.m. Please allow this letter to serve as Appellant's response pursuant to Rule 208(b)(7), SCACR, to the State's supplemental authority letter, received yesterday, June 5, 2017.

As to Issues I and II:

1. S.C. Code Ann. § 44-53-370(a)-(b) (prohibited acts A; penalties);
2. S.C. Code Ann. § 44-53-375 (possession, manufacture and trafficking of methamphetamine and cocaine base and other controlled substances; penalties);
3. S.C. Code Ann. § 44-53-445 (distribution of controlled substance within proximity of school);
4. *State v. Ferguson*, 302 S.C. 269, 395 S.E.2d 182 (1990) (distribution of crack cocaine is not a strict liability offense, State must prove defendant was at least criminally negligent);
5. Va. Code Ann. § 18.2-250 (possession of controlled substances unlawful) (operative statute in *Sierra v. Commonwealth*, 722 S.E.2d 656 (Va. Ct. App. 2012)); and
6. 21 U.S.C.A. § 841(a) (federal controlled substances act).

A copy of this letter has been forwarded onto opposing counsel by e-mail. Please let me know if you have any questions or concerns.

Sincerely,

John H. Strom
Appellate Defense

JHS/cs

cc: David Spencer, Equire (via email).