



ALAN WILSON
ATTORNEY GENERAL

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September 22, 2017

S.C. SUPREME COURT

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

RE: The State v. David Zackary Ledford
Appellate Case No: 2016-000791

Dear Mr. Shearouse:

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

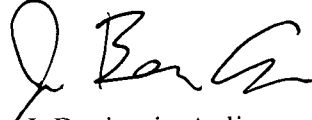
Martinez v. Illinois, ___ U.S. ___, 134 S.Ct. 2070 (2014) (finding that jeopardy attached when the jury was sworn and that the double jeopardy clause barred the state's attempt to appeal the trial court's grant of a motion for a directed not-guilty verdict in the hope of subjecting Martinez to a new trial, while noting the conclusion that jeopardy has attached begins rather than ends the inquiry and the remaining question is whether the jeopardy ended in such a manner that the defendant may not be retried).

Evans v. Michigan, 568 U.S. 313 (2013) (holding a midtrial directed verdict and dismissal, even where based on the trial court's erroneous requirement of an extra element for the charged offense, was an "acquittal" for double jeopardy purposes and barred Evans retrial for the offense).

Blueford v. Arkansas, 566 U.S. 599 (2012) (holding the double jeopardy clause did not bar retrying Blueford on charges of capital murder and first-degree murder following declaration of a mistrial due to a hung jury, even where the jury reported it was unanimous against guilt on the murder offenses before becoming hung on a lesser included offense, because the jury's report lacked the finality necessary to amount to an "acquittal" on those offenses).

The issue on appeal in the present case is whether the Court of Appeals erred in summarily dismissing the State's appeal before briefing as "not immediately appealable" because it failed to consider the unusual circumstances presented by the action of the trial court, the patently erroneous nature of the ruling by the trial judge, and the novel question of law presented by the pursuit of this interlocutory appeal. The State believes this issue could lead to a discussion of double jeopardy and as a result now submits this supplemental authority in anticipation of that discussion. 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,

A handwritten signature in black ink, appearing to read "J. Benjamin Aplin". The signature is fluid and cursive, with a large initial "J" and "B".

J. Benjamin Aplin
Senior Assistant Deputy Attorney General

cc: C. Rauch Wise, Esquire
The Honorable David M. Stumbo, Solicitor for the Eighth Judicial Circuit