



ALAN WILSON
ATTORNEY GENERAL

December 10, 2012

VIA HAND-DELIVERY

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

**RE: State of South Carolina v. Rico Brown
Appellate Case No. 2011-189148
SUPPLEMENTAL CITATIONS**

Dear Ms. Kitchings:

Oral argument in the above-referenced matter is scheduled for this Tuesday, December 11, 2012, at 2:20 pm in Courtroom I. I am writing to provide the Court with the following three (3) supplemental citations, pursuant to Rule 208(b)(7), SCACR, which are relevant to the issue of **error preservation**:

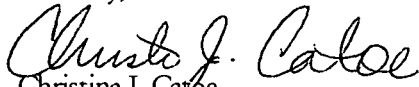
(1) State v. Sterling, 396 S.C. 599, 612, 723 S.E.2d 176, 183 (2012) (reaffirming the longstanding principle that a general directed verdict motion "does not preserve *any issue* for appeal") (emphasis added) (citation omitted).

(2) State v. Russell, 345 S.C. 128, 132, 546 S.E.2d 202, 204 (Ct. App. 2001) (issue raised on appeal was preserved where, although defendant did not use exact words in his request for a directed verdict, it was clear from his argument that his motion was made on particular ground, especially where the solicitor responded using the exact words and cited the relevant case law for that particular ground).

(3) State v. James, 362 S.C. 557, 562-63, 608 S.E.2d 455, 457-58 (Ct. App. 2004) (defendant's argument on appeal that the State failed to produce substantial circumstantial evidence that he possessed crack cocaine with intent to distribute was preserved where, although the defendant did not use the phrase "substantial circumstantial evidence" in his motion for a directed verdict, he did argue there was insufficient evidence to support the elements of the charge of possession with intent to distribute **and** it was apparent from the trial judge's statements that he was ruling on this particular ground).

Thank you for your attention to this matter, and please do not hesitate to contact me at (803) 734-3713 should there be any questions or concerns.

Sincerely,


Christina J. Caloe
Assistant Attorney General

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SC COURT OF APPEALS

cc: Breen R. Stevens, Esquire (via electronic mail and regular mail)