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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

October 16, 2018

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

RE: The State, Petitioner, v. Jimmy Turner, Respondent
Appellate Case No: 2016-002204

Dear Mr. Shearouse:

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

U.S. v. Charley, 189 F.3d 1251, 1269 n.5 (10th Cir. 1999) (“We note that some courts have held that a counselor’s testimony that ‘[the alleged victim] was referred to me for sexual abuse recovery counseling’ constitutes impermissible vouching and is therefore inadmissible. We disagree with the analysis of these courts. A statement by a counselor that the alleged victim was referred for sexual abuse counseling is not necessarily the same as a statement that the victim is telling the truth, or even that the victim was in fact sexually abused, and therefore does not necessarily rise to the level of impermissible vouching.”).

Morris v. State, 601 S.E.2d 804, 807 (Ga. App. 2004) (affirming the trial court’s decision to allow testimony from a psychotherapist that, during an interview with the victim, there was nothing in her demeanor that would rule out abuse, because the doctor was not asked to directly comment on the veracity of the victim, the doctor did not testify that she believed the victim had been sexually abused, and the testimony did not express an impermissible opinion on an ultimate issue of whether the victim was sexually abused).

The issue on appeal in the present case is whether the Court of Appeals erred in reversing Respondent’s conviction on grounds that the trial court erred by admitting the State’s expert’s testimony that she recommended the victim seek therapy and have no contact with Appellant. Oral

argument is scheduled for October 17, 2018. 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 stylized with a large initial "J" and a long, sweeping underline.

J. Benjamin Aplin
Senior Assistant Deputy Attorney General

cc: David Alexander, Esquire