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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

March 25, 2019

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: State v. Mario Valerio Gonzalez Hernandez – Appellate Case No. 2017-002206

Dear Mr. Shearouse:

The above-referenced criminal appeal is set for oral argument on March 26, 2019, at 10:00 a.m. during the upcoming term of Court. Pursuant to Rule 208(b)(7), SCACR, the State seeks to provide the Court with the following supplemental citations prior to oral argument based on the belief the citations may be relevant and helpful to the Court in addressing the issues raised on appeal: Commonwealth v. Mathews, 882 N.E.2d 833, 844-845 (Mass. 2008) (holding “the prosecutor is entitled to introduce testimony to demonstrate that tests were performed and results (even if inconclusive) were obtained” when the defense takes steps to call into question the integrity of the investigation); United States v. Da Silva, 725 F.2d 828, 831-832 (2nd Cir. 1983) (explaining the “language conduit” theory applicable to interpreted statements is based on the portions of Rule 801(d)(2) of the Federal Rules of Evidence dealing with statements made by an agent of a party-opponent or by someone granted authority by the party-opponent to make statements); State v. Huggins, 275 S.C. 229, 231, 269 S.E.2d 334, 335 (1980) (finding, based on the underlying purpose of the hearsay rule, any error that occurred as a result of the improper admission of hearsay testimony regarding an informant’s out-of-court statements was rendered harmless by the informant subsequently testifying).

Sincerely,

Mark R. Parthing
Assistant Attorney General
Bar Number 76901

MRF/

cc: Graham R. Billings, Esq. (by mail and email)
Blake T. Williams, Esq. (by mail and email)
Victim Advocacy Division