



ALAN WILSON  
ATTORNEY GENERAL

June 10, 2019

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JUN 10 2019

SC Court of Appeals

**VIA Hand Delivery**

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

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S.C. SUPREME COURT

**Re: State v. Robert Lee Moore**  
Appellate Case No.: 2017-002479

Dear Mr. Shearouse,

The above referenced case is scheduled for oral argument on June 11, 2019. Pursuant to Rule 208(b)(7) SCACR, Respondent respectfully wishes to call to the Court's attention the additional authority of State v. Herring, 387 S.C. 201, 692 S.E.2d 490 (2009) (recognizing exigent circumstances exception to the warrant requirement); United States v. Caraballo, 831 F.3d 95 (2d Cir. 2016) (holding the warrantless "pinging" of defendant's cell phone was justified under the exigent circumstances exception in part because the defendant was likely armed and on the loose); and Barton v. State, 237 So. 3d 378, 381 (Fla. Dist. Ct. App. 2018) (finding warrantless search of cell phone located at crime scene justified when exigent circumstances dictated a prompt response on the part of the authorities to discover the gunman's identity) in support of an additional sustaining ground that exigent circumstances justified the warrantless search of the phone to identify its owner. By copy of this letter, I am notifying opposing counsel of the submission of this supplemental authority.

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General  
Bar No. 15608

cc: Robert M. Dudek, Esquire