



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

# ORIGINAL

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

September 9, 2019

The Honorable Jenny Kitchings  
Clerk, S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

**RECEIVED**  
SFP 09 2019  
SC Court of Appeals


Re: Michael Ray Elders v. The State of South Carolina  
Appellate Case No. 2016-000242

Dear Ms. Kitchings:

Pursuant to Rule 208(b)(7), SCACR, I would like to submit the following cases as supplemental authority in this matter. I believe they are pertinent and significant authorities which have only recently come to my attention in preparing for the oral argument in this case. Fishburne v. State, Op. No. 27911 (S.C. Sup. Ct. filed July 31, 2019) (Shearouse Adv. Sh. No. 31 at 20). State v. Makins, Op. No. 5683 (S.C. Ct. App. filed September 4, 2019) (Shearouse Adv. Sh. No. 35 at 7).

Makins pertains to both issues, and Fishburne relates to Issue II. The supplemental citations came to my attention while reviewing this case over the weekend. Both are recent published opinions.

Please let me know if you require further information. I have copied opposing counsel by U.S. Mail and electronic mail.

Sincerely,  
  
Taylor D. Gilliam  
Appellate Defender

TDG/mba

cc: Taylor Z. Smith, Esquire