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Department of Probation, Parole and Pardon Services

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RECEIVED

OCT 28 2019

S.C. SUPREME COURT

October 25, 2019

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

RE: **The State v. Marquez Devon Glenn**
Appellate Case No. 2018-001478

Dear Mr. Shearouse:

This case is scheduled for oral argument on Tuesday, October 29, 2019, at 10:30 a.m. Pursuant to Rule 208(b)(7), SCACR, I am notifying the Court of the following supplemental citations in support of Respondent's arguments that:

- (1) The Court of Appeals properly affirmed the trial court's denial of immunity where the Legislature specifically restricted entitlement to seek immunity under the Act to "law-abiding citizens" and therefore *any* grant of immunity, whether "as permitted by the provisions of this article" or by "another applicable provision of law" is limited to circumstances where a person is: (1) "not engaged in an unlawful activity" and (2) "attacked in [a] place where he has a right to be."
- (2) The Court of Appeals properly affirmed the trial court's finding that Petitioner was not entitled to immunity without considering proximate cause because: (1) the decision was based not on Petitioner's unlawful activity, but on the fact that his particular unlawful activity put him in a place he had no right to be, and (2) he did not hold the status of a "law-abiding citizen" at the time of the incident.



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Dawkins v. State, 252 P.3d 214 (Okla. Crim. App. 2011).
Hill v. State, 143 So.3d 981 (Fla. Dist. Ct. App. 2014).
Dooley v. State, 268 So. 3d 880, 886–88 (Fla. Dist. Ct. App. 2019).

By copy of this letter, I am notifying opposing counsel of the submission of this supplemental authority. Thank you for your attention to this matter. Please do not hesitate to contact me at (803) 734-9279 should there be any questions or concerns.

Sincerely,



J. Benjamin Aplin, Esquire
Special Assistant Attorney General

cc: Donald J. Zelenka, Esquire
Christopher T. Brumback, Esquire
Roy F. Harmon, III

