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February 7, 2020

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S.C. SUPREME COURT

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

RE: State v. Robin Renee Herndon – Appellate Case No. 2019-000467

Dear Mr. Shearouse:

The above-referenced criminal appeal is set for oral argument on February 12, 2020, at 10:30 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: Victor v. Nebraska, 511 U.S. 1, 5 (1994) (“The beyond a reasonable doubt standard is a requirement of due process, but the Constitution neither prohibits trial courts from defining reasonable doubt nor requires them to do so as a matter of course. Indeed, so long as the court instructs the jury on the necessity that the defendant’s guilt be proved beyond a reasonable doubt, . . . the Constitution does not require than any particular form of words be used in advising the jury of the government’s burden of proof. Rather, taken as a whole, the instructions must correctly convey the concept of reasonable doubt to the jury.” (citations, brackets, and internal quotations omitted)); State v. Burkart, 350 S.C. 252, 261, 565 S.E.2d 298, 302 (2002) (noting that trial judges are required to charge the correct definitions of law to a jury, but judges are not required to use any “particular verbiage” when doing so).

Sincerely,

William F. Schumacher, IV
Assistant Attorney General
Bar Number 100231

WFS/

cc: David Alexander, Esq. (by mail and email)
Victim Advocacy Division