



ALAN WILSON
ATTORNEY GENERAL

March 4, 2013

HAND-DELIVERED

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
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SOUTH CAROLINA COURT OF APPEALS

Re: State v. Jason thomas Husted, Appellate Case No. 2010-290066

Dear Ms. Kitchings:

This concerns the above case, scheduled for oral argument on Tuesday, March 5, 2013 at 10:00 a.m. Pursuant to Rule 208(b)(7) SCACR, Appellant respectfully wishes to bring this Court's attention the following additional authority:

United States v. Purry, 545 F.2d 217 (D.C. Cir. 1976) (concerning whether police may use reasonable force to effectuate an investigatory stop).

Graham v. Connor, 490 U.S. 386, 396, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989) ("Fourth Amendment jurisprudence has long recognized that the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it.").

1990 Act No. 598 § 2 (removing the term "lawful" from S.C. Code 16-9-320).

Appellant believes this authority is directly relevant to that argument and should be considered by this Court in the instant case. By copy of this letter, I am notifying opposing counsel of the submission of this supplemental authority.

Sincerely,

David Spencer
Assistant Deputy Attorney General

cc: J. Joseph Condon, Jr. (by e-mail to condonlaw@msn)