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April 20, 2020

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APR 23 2020

**SC Court of Appeals**

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

Re: State v. Jaron L. Gibbs, Appellate Case No. 2017-002042

Dear Ms. Kitchings:

The above-referenced case is before a panel of the Court of Appeals for decision. Last week, I requested that the matter be scheduled for oral argument when the Court resumes hearing arguments. The purpose of this letter is to call to the Court's attention supplemental authority that is relevant to one of the issues in this appeal, pursuant to Rule 208(b)(7) of the South Carolina Appellate Court Rules. This supplemental authority is a decision issued by the South Carolina Supreme Court subsequent to the filing of the initial briefs in this case.

*Hamrick v. State*, 426 S.C. 638, 828 S.E.2d 596 (2019), is cited as supplemental authority for (1) the proposition that the testimony of Officer Arflin was not lay testimony within the purview of Rule 701 of the South Carolina Rules of Evidence (argued in appellant's reply brief, pp. 1-5); (2) the lack of the necessary foundation of expert qualifications for admission of Arflin's testimony under Rule 702 of the South Carolina Rules of Evidence (argued in appellant's opening brief, pp. 10-16); and (3) the contention that the error in admitting Arflin's testimony was prejudicial and not harmless (argued in appellant's opening brief, p. 16, and reply brief, p. 5).

I respectfully request that you advise the Court of our intention to rely on this supplemental authority in this appeal.

Very truly yours,

  
Jack B. Swerling

cc: Melody J. Brown, Esquire  
Caroline Scramton, Esquire  
Katherine Carruth Goode, Esquire

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