

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Honorable Michael G. Nettles, Circuit Court Judge
THE STATE,

RESPONDENT,

v.

QUATASE J. JENRETTE,

APPELLANT.

APPELLATE CASE NO. 2021-001108
PRO SE BRIEF

RECEIVED

JUN 29 2022

SC Court of Appeals

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred by refusing to grant a directed verdict because the state failed to present substantial circumstantial evidence that Appellant was guilty of involuntary manslaughter?

STATEMENT OF THE CASE

During the November 2018 term, the Horry County Grand Jury indicted Appellant for murder, R. 281-284.

On September 20-21, 2021, Appellant proceeded to trial before the Honorable Michael G. Nettles, and a jury.

R. 1. Jonathon M. Hiller and J. Eric Fox represented Appellant. Id. Joshua D. Holford and Seth A. Oskin represented the state, Id.

The jury found Appellant guilty of the lesser included offense of voluntary manslaughter, R. 269, 11, 3-10. Judge Nettles sentenced Appellant to twenty-five years' imprisonment with credit for 1,344 days' time served. R. 279, 11, 1-19.

This appeal follows.

STANDARD OF REVIEW

A case should be submitted to the jury when the evidence is circumstantial "if there is any substantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced." *State v. Bostick*, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011) (quoting *State v. Mitchell*, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)). "Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt." *Id.* "Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error." *Id.* at 139, 708 S.E.2d at 776-777. "On appeal of the denial of a directed verdict of acquittal, this Court must look at the evidence in the light most favorable to the state." *Id.* at 139, 708 S.E.2d at 777; see also *State v. Hepburn*, 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013). If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court's denial of the directed verdict motion. *Hepburn*, 406 S.C. at 429, 753 S.E.2d at 409.

ARGUMENT

The trial court erred by refusing to grant a directed verdict because the state failed to present substantial circumstantial evidence that Appellant was guilty of involuntary manslaughter. A shooting occurred in the late hours of January 5th to the early morning hours of January 6th, 2018, on or near Darts Road in Loris City of Horry County. R. 51, l. 8-52, l. 7. Law enforcement responded to a 9-1-1 call. R. 52, l. 8-15. Once on the scene, Officer Green explained he saw two males and one female. Id. The decedent, Kendall Ray, was "lying on the ground being comforted by the female," Waquita Brothers. R. 52, l. 8-15; R. 59, l. 16-19. The other male, Rashii Brisbon, on the scene was nearby and "seemed to be distraught." R. 52, l. 8-15; R. 59, l. 16-18. Officer Green was not involved "in the development of any suspect" but the witnesses at the scene gave him a name Appellant's name. R. 59, l. 21-60, l. 12. The state's expert witness Doctor Eric Eason testified that while he did not perform the autopsy and did not write the report, he did "independently review" the autopsy report and concluded that the decedent's death was caused by a gunshot to the head. R. 70, l. 22-76, l. 16. Eason claimed that the doctor who performed the autopsy, Dr. Edward, was unavailable because he was on medical leave due to contracting COVID-19 "a few months ago," but Eason testifying in Edwards' stead was "standard procedure." Id.

Detective John Brantly responded to the scene at 2:45 A.M. R. 95, 1. 21-46, 1. 14. Brantly interviewed the decedent's mother and brother. R. 97, 11. 10-19. After speaking to them, Brantly developed Appellant as the suspect "almost immediately." R. 99, 11. 11-15. Due to developing Appellant as a suspect "almost immediately," law enforcement did not conduct an investigation into any alternate suspects, instead they began searching for Appellant. R. 98, 1. 28-100, 1. 6. Brantly procured Appellant's phone records but was unable to place Appellant near the crime." R. 104, 1. 10-105, 1. 10. Furthermore, Brantly admitted that law enforcement did not perform a photo-ID lineup because "the need for it was not there" as "the [decedent's] family was insistent of the suspect's identity," R. 116, 1. 3-117, 1. 4; R. 120, 1. 2-121, 1. 13. Further illustrating the limited nature of law enforcement's investigation was the testimony from Investigator Dennis Lewis. Lewis swabbed several areas of the crime scene and swabbed a baseball hat found at the scene for DNA. R. 130, 1. 25; R. 134, 1. 20-135, 1. 18. None of the DNA swabs produced any inculpatory evidence. Lewis was forced to admit that law enforcement never located the murder weapon, never searched Appellant's car, and never searched Appellant's cell phone. R. 140, 11. 19-20; R. 145, 1. 25-146, 1. 12. Moreover, Lewis admitted there was no fingerprint evidence and no forensic evidence whatsoever pointing to Appellant as the suspect for the murder. R. 149 11. 9-25. Waquita Brothers, the decedent girlfriend, testified as well. R. 159, 1. 24-160, 1. 2. Brothers made an in court identification of Appellant as the suspect. R. 175, 11. 4-

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