STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JONATHAN R. RACKLEY,

APPELLANT.

APPELLATE CASE NO. 2021-001141

INITIAL BRIEF OF APPELLANT

ROBERT M. DUDEK
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the court erred by excluding evidence the decedent had methamphetamines in her bloodstream since this evidence of drug use was relevant, and its exclusion was highly prejudicial since there was no motive for appellant to kill his new decedent girlfriend and her drug use was probative as to whether the decedent may have accidentally shot herself or committed suicide as the defense purported where appellant told the police he awoke to the sound of a gunshot, and that he did not know how the decedent was shot?

STATEMENT OF THE CASE

Appellant was indicted by the Pickens County grand jury for the offenses of murder and possession of a weapon during a violent crime. R. p. *. His case was called to trial on September 20, 2021, before the Honorable G.D. Morgan Jr., and a jury. Aaron Francis De Bruin represented appellant. Shannon Swords Odom and Seth Redus Johnson were the assistant solicitors. Tr. 1.

On September 24, 2021, the jury found appellant guilty as charged. Tr. 642, ll. 7-12. Judge Morgan sentenced appellant to fifty years imprisonment for murder and imposed a five year consecutive sentence for possession of a weapon during the commission of a violent crime. Tr. 647, ll. 4-13.

This appeal follows.

STANDARD OF REVIEW

The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion." State v. Hatcher, 392 S.C. 86, 91, 708 S.E.2d 750, 753 (2011) ("quoting State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006)). " An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." Id.; see also State v. Brockmeyer, 406 S.C. 324, 340, 751 S.E.2d 645, 653 (2013).

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. See Rule 401, SCRE. "Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." Rule 403, SCRE; State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991).

ARGUMENT

The court erred by excluding evidence the decedent had methamphetamines in her bloodstream since this evidence of drug use was relevant, and its exclusion was highly prejudicial since there was no motive for appellant to kill his new decedent girlfriend and her drug use was probative as to whether the decedent may have accidentally shot herself or committed suicide as the defense purported where appellant told the police he awoke to the sound of a gunshot, and that he did not know how the decedent was shot.

Introduction

Jason Trammell went to high school with the decedent, Jamie Scruggs. Jason said that Scruggs was a friend "of my wife." Tr. 102, ll. 12-20. Jason met appellant Jonathan Rackley through the decedent, and he was with them both in the hours before the decedent's death. Jason recalled that they were "love struck, you know. They were enjoying each other's company." Tr. 103, ll. 111-20.

They were socializing the day before the decedent's death in the "Shed" or "outbuilding" behind appellant's home on a dead-end street in rural Easley, South Carolina. There were about seven other homes on this dead end road. Tr. 103, l. 21 – 104, l. 6.

Jason estimated he left appellant's house at about 9:30 that evening. Jason confirmed on cross-examination that appellant and the decedent were happy in each other's company, and they were flirtatious with each other. Tr. 104, l. 1 – 105, l. 25.

Ricky Scruggs married the decedent in 2012. However, a house fire in 2016 left the decedent burned on about twenty percent of her body. She suffered depression as a result of her injuries that led to the couple separating in June of 2018. Tr. 92, l. 13 – 93, l. 7.

Scruggs remained friendly with the decedent after they separated. Tr. 93, ll. 16-25. Scruggs noted the decedent had her personal "struggles." There would "be good somedays and bad somedays, just depending on the mood." Tr. 93, l. 16 – 95, l. 8.

Scruggs knew there were other men involved in the decedent's life at the time of her death. Specifically, he had heard the decedent mention appellant's name. Tr. 95, ll. 14-19.

As will be seen infra, there was never any motive established for why appellant would want to shoot the decedent especially given their new relationship which seemed to all to be going swimmingly.

Barry Edwards was also a friend of the appellant. Edwards was with appellant and the decedent in the hours before the decedent's death. Edwards also said appellant and the decedent were having fun that evening. Tr. 115, ll. 10-12.

Edwards estimated he left appellant and the decedent together in appellant's "Shed" or outbuilding at about 11:30 that evening. He remembered appellant later called him, but he missed the first call. Edwards sent appellant a text message that said, "what's up?" Appellant texted back: "911". Tr. 116, ll. 1-7; R. p. *. (text messages). Edwards confirmed that appellant and the decedent were good friends, they were friendly with each other that fateful evening, and that he did not witness any argument between them. Tr. 121, ll. 8-13.

Kaleigh S. was a teenage girl – about 13 years-old who lived on the property next to appellant's house in rural Easley, South Carolina. Kaleigh remembered in the early morning hours of July 13, 2013, around 1 o'clock or 1:30 she was watching videos on her phone when she heard a gunshot. She said her friend, Riley, messaged her on Snapchat and asked, "Did you hear that?". Tr. 132, l. 3 – 133, l. 18. Kaleigh said she looked out the back door and she saw

"flashlights going back and forth." The police had apparently already arrived at the time Kaleigh looked out her back door. Tr. 133, l. 19 – 137, l. 20.

Kaleigh confirmed she did not hear any arguing before hearing the gunshot. The only voices she heard came after the gunshot. Tr. 138, ll. 9-24.

Riley B. was the other teenage girl who lived next door to Kaleigh. Tr. 140, l. 24 – 146, l. 16. Riley remembered she was up late that evening of the gunshot playing in her room, watching television, listening to music and relaxing. She maintained she heard two voices and characterized it as an argument. She said she began texting her friend Kaleigh around this time and they heard a gunshot after that. Tr. 146, l. 5 – 151, l. 12.

On cross-examination Riley said she could not remember if she told the police at the time that she heard arguing before and after the gunshot. Riley confirmed she was only thirteen years old at the time of this incident. Tr. 156, ll. 3-23.

Appellant's mother, Angela Rackley, confirmed that the outdoor building or "Shed" on her property "turned into a hangout" for appellant and his friends. Tr. 178, ll. 7-16. Angela said there was a refrigerator in the building, and a radio. Appellant and his friends would sit outside, drink beer, and socialize. Tr. 181, ll. 9-24.

Angela remembered that Barry and Nicole Edwards left at about 11:30 p.m. that evening. Afterwards Angela checked on appellant and the decedent in the outdoor building. "They were fine" and drinking beer. Angela told appellant she was going to bed. Appellant responded "Well, I'm not ready to come in yet." Angela told him she would leave the back door unlocked for him. Tr. 184, l. 11 – 186, l. 7.

Angela went inside the house and laid down on the couch with the television on as was her normal practice. She heard a loud bang that she thought was a firecracker at first. Tr. 186, l. 1 – 187, l. 7.

Angela said after she heard the loud bang, she saw a car "going [down the] driveway fast." Tr. 187, ll. 19-23. The solicitor immediately interrupted Angela and told her that neither of her statements to the police mentioned a car leaving at a high speed. Tr. 188, ll. 3-25. Angela explained "that night was so crazy" and that she was unsure of exactly when things occurred. Tr. 188, l. 3 – 191, l. 2.

Angela remembered when she approached the outbuilding after hearing the loud noise: "I hear Jonathan crying out for help." Tr. 190, l. 24 – 193, l. 15. Angela saw appellant trying to help the decedent by applying a towel to her head and putting pressure on her gunshot wound. Tr. 193, l. 8 – 195, l. 3.

Angela told appellant to "call 911." Appellant responded: "They are going to think I did it. And - - but he did open a phone to do it, but his hands were shaking so bad he couldn't." So Angela then called 911 from her phone. Tr. 195, l. 2 – 197, l. 6. Angela said the decedent was still alive at this point, breathing and groaning. The decedent was trying to talk to Angela, but she was unable to do so. Tr. 197, ll. 1-20.

Angela remembered appellant, her son, mentioning a "stray bullet." Angela explained this was "a crazy situation, a dire situation" and they were all upset about whatever happened. Tr. 198, l. 2 – 206, l. 19.

Angela told the 911 operator: "It had to be an accident. He would never do that." Tr. 206, ll. 1-25. Angela confirmed that the appellant and decedent were not arguing that night

before she heard the gunshot. Tr. 207, ll. 1-20. They were both in "good spirits." Tr. 207, ll. 1-2.

Angela remembered the police captain who first arrived at their house was very angry, irate and he wanted appellant arrested. Tr. 212, ll. 1-7. Angela explained that she made things up to tell the 911 operator because the operator seemed obsessed with interrogating her about appellant rather than getting an ambulance to the scene to help the decedent. Tr. 212, l. 14 – 214, l. 1.

Pickens County Sheriff's Deputy Brandon Morris was dispatched to appellant's property on July 13, 2019, at approximately 2:10 a.m. Tr. 216, l. 19 – 218, 19. He was met by appellant's mother, Angela Rackley. Deputy Morris remembered Angela was upset. She told him that appellant was in the outbuilding behind the mobile home. Tr. 218, l. 15 – 219, l. 18.

Morris found appellant standing over the decedent -- he was very upset: "He's just screaming to me and Deputy Bolt to get her some help." Tr. 220, ll. 1-9. Morris explained that the first responsibility of the police when they respond to a shooting scene was to secure the scene so that EMS could safely arrive and render aid to the victim. Tr. 220, l. 1 – 221, l. 14.

Morris said that appellant was so upset and yelling for them to help the decedent that they had to place him in handcuffs and detain him. Everything had to be stable for EMS to come onto the scene. Tr. 221, l. 6 – 223, l. 7.

Sara Goodman was a SLED DNA analyst. Goodman testified that the blood found on the weapon showed there was a very substantial likelihood that the decedent's DNA was on the gun. Tr. 245, l. 12 – 247, l. 23. Goodman said that three DNA profiles from the grip of the 9mm pistol showed the decedent, appellant, and an unrelated third individual had touched the weapon which contributed to the mixture of the DNA. Tr. 248, l. 9 – 249, l. 9.

Goodman acknowledged it was possible that the decedent "manipulated" the weapon by touching it and that resulted in her leaving her DNA on the gun. Tr. 253, ll. 10-25.

Deputy Nick Bolt also testified that appellant was yelling for the deputies to get help for the decedent when they arrived. The decedent was bleeding badly at the time, and she was having trouble breathing. Tr. 260, l. 3 – 261, l. 19; 269, ll. 13-22.

Chief Deputy Chad Brooks remembered a search warrant was obtained in those early morning hours for the property. While the search warrant was being executed he recalled seeing freshly washed clothes inside the washing machine in the outbuilding. Brooks also opened the cabinet door above the washing machine and that is where he noticed the pistol. Tr. 288, l. 6 – 293, l. 13. Brooks testified that there was a "red substance" on the gun that he assumed was blood. Tr. 293, ll. 2-13.

As to the possibility that appellant changed his clothes Deputy Brett Barwick said all he knew was that there was freshly washed clothes in the washing machine. He could not say how long the clothes had been in washing machine or to whom they belonged. Tr. 321, ll. 6-25. Regardless, Barwick confirmed the clothes were not taken into evidence. Tr. 321, l. 6 – 325, l. 17; 370, l. 2 – 371, l. 17.

The pathologist, Dr. Grace Dukes, testified that the decedent died of gunshot wound to the head. She opined the decedent's death was a homicide rather than a suicide because no gun was recovered near her body and that the decedent did not have a known history of suicidal ideation. Tr. 388, ll. 1-24. Dr. Dukes testified in her opinion the shooting was also not an accident. Tr. 399, ll. 3-24.

On cross-examination of the pathologist in the presence of the jury the judge sustained the solicitor's objection to defense counsel asking if the decedent had any drugs in her system. Tr. 402, l. 21 – 403, l. 25.

Decedent had been using meth evidence

After the testimony of the pathologist, Dr. Dukes, an in camera hearing was held on whether evidence the decedent had methamphetamines in her bloodstream should be admitted.

The solicitor first claimed that the attorneys agreed before the trial that no evidence of drug use by anyone would be admitted during the trial. Defense counsel disagreed with that assertion, and he told the trial judge that it had been agreed that no evidence of appellant's drug use would be admitted given Rule 403, SCRE. Because appellant was the defendant any evidence the defendant used drugs would be explosively prejudicial. Tr. 404, l. 14 – 406, l. 6.

Defense counsel reminded the judge that the decedent's DNA was found on the gun, there was evidence she had manipulated the gun, and there was evidence appellant was asleep when he heard the fatal gunshot. Defense counsel argued this evidence of the decedent's drug use was relevant because she may not have been in her normal state of mind. She may have caused her own death while under the influence. "She may have done something to herself." Tr. 404, l. 14 – 406, l. 6.

The judge interjected that he thought the defense also had to show "[t]hat there has to be some kind of proof that she was under the influence that would've caused her to do that. Just because she might have had meth in her system, I think that's a big leap questioning this witness to then be able to argue to the jury that there was a possibility she was under the influence without any evidence she would have been under the influence. The fact that she had meth in the system, how do you get to that next step." Tr. 406, ll. 7-16.

Defense counsel countered that the fact decedent had methamphetamines in her bloodstream was sufficient for its admission. Counsel argued that the state could argue that methamphetamines being in the decedent's bloodstream did not mean she was "under the influence." This was a weight not an admissibility issue. However, the facts were that the decedent had been using drugs and that she suffered a mysterious gunshot wound. "I think it goes to my argument that it's a possibility that she might have done this to herself." Tr. 406, l. 17 – 407, l. 4.

Defense counsel offered that he could limit the evidence to the fact that the toxicology report showed the decedent had methamphetamines in her system. He could then try and tie in that the decedent was using meth that evening. Tr. 408, l. 10 – 409, l. 19.

The judge said that he thought evidence the decedent had meth in her system by itself would be unfairly prejudicial to the state. The judge then sustained the state's objection and granted the state's request to prevent there being any mention of the decedent having meth in her system. Tr. 410, l. 6 – 413, l. 25.

Jury returns

Pickens County Sheriff's Deputy Daniel Cochran acknowledged that he interviewed Jason Trammell who told him that appellant and the decedent were having a good time that fatal evening and that they were not arguing. Tr. 534, l. 21 – 535, l. 21. When defense counsel asked Cochran to admit that appellant denied that he shot the decedent, Cochran spat out that appellant said: "I didn't kill the bitch." Tr. 552, ll. 12-15.

The solicitor argued to the jury that this statement by appellant that "I didn't kill the bitch" was strong evidence of malice. Tr. 597, l. 15 – 599, l. 22.

Defense counsel argued to the jury that there was no reason why appellant would have killed the decedent. Tr. 601, ll. 1-22. Appellant and the decedent were friends, they had just started a relationship which was always a special time. "The government has to prove that he intentionally pulled the trigger and killed her. What possible reason have you heard that would make him intentionally pull the trigger? You didn't hear any, none whatsoever." Tr. 602, l. 2 – 603, l. 13.

Defense counsel reminded the jury that appellant said he woke up to a gunshot and he thought his dog had been shot so he ran after the dog. Appellant's ears were ringing from the gunshot. Tr. 604, l. 7 – 605, l. 18. Appellant said this in the interrogation with the two investigators that is on file with this Court at approximately 19:20 into the interview. Defense counsel reminded the jurors that there was evidence the decedent's DNA was on the grip of the gun, that she was not familiar with guns and that the decedent may have accidentally shot herself. Tr. 526, ll. 7-8; (State's exhibit 58 on file with this Court); Tr. 612, l. 13 – 615, l. 1.

Discussion

"Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. See Rule 401, SCRE. Evidence is relevant if it has a direct bearing upon and tends to establish or make more or less probable the matter in controversy. See State v. Adams, 354 S.C. 361, 580 S.E.2d 785 (Ct. App. 2003). All relevant evidence is admissible. State v. Aleksey, 343 S.C. 20, 538 S.E.2d 248 (2000); Rule 402, SCRE.

The standard for evidence being relevant under Rule 401, SCRE in this state is undoubtedly broad. Evidence that the decedent had been using meth, that meth was in her

bloodstream – her system – was relevant since her cause of death not being a homicide, but an accident or suicide, was the heart of appellant's defense.

Here, defense counsel correctly argued to the judge the unusual character of the evidence in this murder case. There was no evidence of bad blood between appellant and his new girlfriend. They were getting along very well on the night of the murder, having fun together and being flirtatious.[1] Appellant's statement to the police that he awoke to a gunshot and found the decedent badly wounded was repeatedly placed before the jury. Evidence that the decedent was affected in anyway by an intoxicant - - alcohol or drugs - - was relevant because the jury was correctly being called upon to consider defense alternatives to how the decedent suffered the fatal wound. These were that she accidently shot herself or that she was attempting suicide. Evidence which assists a jury at arriving at the truth of an issue is relevant and admissible unless incompetent. See State v. Schmidt, 288 S.C. 301, 303, 342 S.E.2d 401, 403 (1986).

Further, defense counsel correctly argued that evidence being unduly prejudicial to a criminal defendant was much different from which may cast an alleged victim in a less than positive light. Further, there was other evidence, as seen above, that the decedent had suffered from depression as a result of being badly burned in a house fire. Evidence that she had methamphetamines in her bloodstream did not suggest a verdict on an improper basis and the probative value of this evidence of methamphetamine use by the decedent was not substantially outweighed by its danger of unfair prejudice to the state. See Rule 403, SCRE. State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991).

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1 The claim by one of the thirteen-year-old neighbors that she heard some alleged perfunctory "argument" before she heard a gunshot was just one state's witness claim that went against the wealth of other evidence the decedent and appellant and were getting along well at the start of their relationship that night.

Since the evidence that the decedent had methamphetamines in her bloodstream was relevant because it made it more probative that she may have accidentally shot herself where her DNA was indeed on the grip of the gun and it also was probative as to whether she may have committed suicide. The defense offered specific reasons anchored in the facts of this case as to why this meth usage evidence by the decedent was probative and therefore admissible in appellant's defense, and the trial judge respectfully committed prejudicial error by refusing to allow the jury to hear this evidence.

CONCLUSION

By reason of the foregoing arguments appellant's conviction should be reversed, and this case remanded to the Pickens County Court of General Sessions for a new trial.

Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

This 18th day of July, 2022.

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

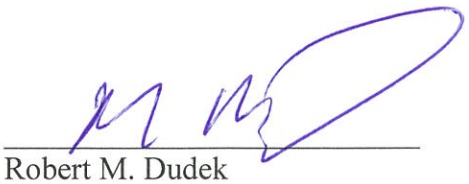
JONATHAN R. RACKLEY,

APPELLANT.

APPELLATE CASE NO. 2021-001141

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the initial brief of appellant and designation of matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 18th day of July, 2022.



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

From: Matthews, Lindsey
To: SC - BROWN MELODY
Cc: SC - BROWN ANGELA; Dudek, Robert
Subject: 2021-001141 The State v. Jonathan Richard Rackley
Date: Monday, July 18, 2022 12:37:00 PM
Attachments: Cover letter to Melody Brown.pdf
2021-001141 The State v. Jonathan R. Rackley - Initial Brief of Appellant.pdf

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Attached is a copy of the initial brief of appellant and designation of matter which will be filed with the Court of Appeals today in the above-referenced case.

Thank you.

Sincerely,
Lindsey M. Matthews
Administrative Assistant
SC Commission on Indigent Defense
Appellate Division
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, SC 29201
Phone: (803) 734-1330