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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 25, 2023

The Honorable V. Claire Allen,
Deputy Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211-1629

Re: *The State v. James Monroe Brown*
Appeal from Chesterfield County
Appellate Case No. 2021-000469

Dear Madame Clerk:

This letter is only in response to your letter of January 19, 2023 regarding why certain brief alleges as follows:

Whether the court erred by refusing to direct the verdict as to the charge of murder where there was no direct or substantial circumstantial evidence appellant committed any overt act under the theory of accomplice liability to aid or abet another person or persons in killing the decedent?

(FBOA, p. 1). In his Brief, Appellant argues that the evidence was insufficient to convict him of guilt of murder as an aider and abettor, i.e. under a theory of accomplice liability. Appellant was identified by a State's witness as being part of a group of armed men who called victim out of his home and confronted him in his yard and shot victim in his yard. Victim fled on foot, may have been shot or shot at again, and died some distance from his home. Victim had 4 gunshot wounds to the back but with different or slightly different trajectories. (FBOR).

Each exhibit you inquired about (State's 19-21 & 26) was designated because they were referenced in Respondent's Statement of Facts in its Brief (FBOR), and the exhibits are relevant to Issue 2 of Appellant's brief, a directed verdict issue, as discussed in the brief. (FBOR).

As set forth in Respondent's brief, Petitioner appears to argue at one (1) point in his brief that victim ran from his yard and was pursued and shot by a lone gunman; however, that is not what the record shows occurred. The record shows victim was called out of his home and confronted in his yard by a group of armed men who shot him multiple times in the back with different firearms in his yard. As testified to at trial by the State's firearms identification expert, based on the fired bullets recovered at autopsy and the fired shell casings found at the scene, at least three (3) and possibly four (4) firearms, handguns, were used in the murder of victim. Most of

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those fired shell casings [six (6)], there were seven (7) in all, were recovered in victim's yard. One (1) was found nearby, possibly in the path victim ran, though not clear. This evidence is clearly relevant to this appellate issue as appellant was part of the group of armed men and multiple firearms were used after the group confronted victim. I also designated the fired shell casings be transported so that if the Court had any question, vis-à-vis the transcript, about where each casing was located, the Court could look at the exhibits themselves. Additionally, an eyewitness who lived nearby saw the group of men loading weapons before the shooting, and one (1) of the men had a long gun. The two (2) shotgun shells (Ex. 26) were found near that witness's home after the murder of victim. The record is somewhat confusing as to the shotgun shells as they are described in one place as shotgun shell casings, and in another as shotgun shells. I wanted the Court to have those shells (Exhibit 26) to actually see what those two (2) items contained in Exhibit 26 are, so there is no confusion. Based on the record, Respondent believes those are live shotgun shells not fired shell casings. But, in any event, if the Court has those two (2) items there will be no confusion.

Thank you for your assistance in this matter. Again, this letter is not to argue the merits of this case but only to respond to your letter and explain why Respondent designated these exhibits be transported in this case. I hope this sufficiently answers your inquiry. If you have any further questions, please do not hesitate to contact me at (803)-734-3665. I have copied opposing counsel Robert Dudek, Esquire, on this letter.

Sincerely,



J. Anthony Mabry
Senior Assistant Attorney General

AJM:dmd

cc: Robert M. Dudek, Esq. (via email only)