

RECEIVED

Sep 21 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas
Hon. Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2019-000141
Opinion No. 6024

ROBIN GRAY REESE,

Petitioner,

v.

THE STATE,

Respondent.

PETITION FOR REHEARING

On September 6, 2023, this Court issued an opinion reversing the denial of post-conviction relief pertaining to Petitioner's convictions for murder and lynching. Reese v. State, Op. No. 6024 (S.C.Ct.App. filed September 6, 2023) (Davis Adv.Sh. No. 35 at 48). Pursuant to Rule 221(a) of the South Carolina Appellate Court rules, Respondent respectfully petitions this Court for rehearing.

As an initial matter, the State again submits Reese was not prejudiced by the "brief and inadvertent" exposure of her shackles to the jury. See Overstreet v. State, 877 N.E.2d 144, 162 (Ind. 2007). As argued in the State's brief, which the State incorporates by reference into this petition, the jury was not subjected to a constant visual reminder that Reese was shackled during

trial, but only saw the shackles during her walk to the witness stand. Accordingly, the prejudice was not sufficient to undermine confidence in the outcome of her trial.

Additionally, the State respectfully submits the Court's prejudice analysis focuses on the wrong facts. The Court focused on the prior altercation between Marcellius Brooks and the victim, noting there were allegations that this prior altercation could have caused the victim's death. Reese's co-defendant, Henry Gray, did assert this prior altercation could have caused the victim's death, likely because the evidence indicated it was he, rather than Reese, who struck the fatal blow. The evidence, particularly that of chief medical examiner Dr. Clay Nichols, overwhelmingly showed the victim's death was caused by the skull fracture that resulted from the victim's head hitting the ground after Gray swept his feet from underneath him. App.1010. Even Reese's own expert testified the injury to the back of the victim's head was at least a contributing cause of death. App.914.

Gray's PCR appeal is pending before this Court. Gray v. State, Appellate Case No. 2019-001127. The State believes it is appropriate for this Court to re-evaluate the evidence reasonably tending to prove Reese's guilt under a "hand of one, hand of all" theory and which could have resulted in prejudice from the jury's view of her shackles. Reese took no part in the first incident, which occurred before Reese was even aware of the altercation between her daughter and the victim. When Reese learned of the initial altercation, she called Gray, setting into motion the chain of events which led to the victim's death. This conduct, and her violent participation in the second beating, was the basis for her guilt. If the jury believed the first incident caused the victim's death, it would have acquitted Reese. Accordingly, the State respectfully submits this Court should revisit this portion of its opinion and reassess the basis for prejudice against Reese.

CONCLUSION

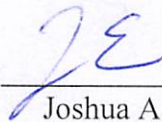
For all the foregoing reasons, it is respectfully submitted that the petition for rehearing should be granted.

Respectfully submitted,

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

BY: _____



Joshua A. Edwards
Bar # 101188

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

September 21, 2023

RECEIVED

Sep 21 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Hon. Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2019-000141

ROBIN G. REESE,

Petitioner,

v.

THE STATE,

Respondent.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Petition for Rehearing on Kathrine Haggard Hudgins, Esquire, Petitioner's counsel of record, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 21st day of September 2023.



Anne Mueller
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

From: [Anne Mueller](#)
To: [Hudgins, Kathrine H.](#)
Cc: [Stock, Chris \(cstock@sccid.sc.gov\)](#); [Josh Edwards](#); [Summer Etheredge](#); [Anne Mueller](#)
Bcc: [Victim Services](#)
Subject: Robin Gray Reese v. State, 2019-000141
Date: Thursday, September 21, 2023 3:53:00 PM
Attachments: [image001.png](#)
[Reese Robin - 2019-000141 - Petition For Rehearing \(03394166xD2C78\).PDF](#)

Good afternoon, Ms. Hudgins.

Attached to this email is the State's Petition For Rehearing in the above matter. We will be filing the Petition electronically using the Court's AIS One Drive system.

If you would, please confirm your receipt of our petition by return email.

Thank you for your cooperation.

Sincerely,

Anne Mueller, Legal Assistant for Assistant Attorney General Joshua A. Edwards

ANNE A. MUELLER, Legal Assistant
Office of the South Carolina Attorney General
Criminal Appeals Division
Office 803-734-3727
P.O. Box 11549 • Columbia SC 29211
[scag.gov](#)



This email, which includes any attachments, is considered confidential and may be legally privileged. If you have received it in error, please notify the sender immediately by reply email and then delete this message from your system. Please do not copy it, use it for any purposes, or disclose its contents to any other person. This email is subject to FOIA requests. Thank you for your cooperation.