



The South Carolina Court of Appeals

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November 22, 2023

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Ms. Joanna Katherine Delany, Esquire
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Appellate Defense
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Re: The State v. Decota C. Brown
Appellate Case No. 2021-000744

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
David Rhys Wagner, Jr., Esquire
The Honorable Perry H. Gravely

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Decota Castle Brown, Appellant.

Appellate Case No. 2021-000744

Appeal From Oconee County
Perry H. Gravely, Circuit Court Judge

Unpublished Opinion No. 2023-UP-373
Submitted November 1, 2023 – Filed November 22, 2023

AFFIRMED

Appellate Defender Joanna Katherine Delany, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, Senior Assistant
Deputy Attorney General Melody Jane Brown, and
Assistant Attorney General William Joseph Maye, all of
Columbia; and Solicitor David Rhys Wagner, Jr., of
Anderson, for Respondent.

PER CURIAM: Decota Castle Brown appeals his convictions and aggregate sentence of seventy years' imprisonment for murder, first-degree burglary, and possession of a weapon during the commission of a violent crime. On appeal, Brown argues the trial court erred by denying his mistrial motion because the State elicited improper bolstering testimony from the police chief regarding his belief in the veracity of the State's key witness against Brown. We affirm pursuant to Rule 220(b), SCACR.

We hold the trial court did not abuse its discretion by denying Brown's motion for a mistrial. *See State v. Harris*, 340 S.C. 59, 63, 530 S.E.2d 626, 627-28 (2000) ("The granting or refusing of a motion for a mistrial lies within the sound discretion of the trial court and its ruling will not be disturbed on appeal absent an abuse of discretion amounting to an error of law."); *State v. White*, 371 S.C. 439, 447-48, 639 S.E.2d 160, 164 (Ct. App. 2006) ("Insubstantial errors that do not impact the result of a case do not warrant a mistrial when guilt is conclusively proven by competent evidence."); *State v. Stokes*, 381 S.C. 390, 404, 673 S.E.2d 434, 441 (2009) ("[T]he determination of prejudice must be based on the entire record, and the result will generally turn on the facts of each case."). We hold (1) the police chief's testimony that the police "were able to corroborate almost everything" that the key witness said in his second statement, and (2) the State subsequently asking the police chief if he "tend[ed] to believe the second statement" were improper. *See State v. Smith*, 411 S.C. 161, 170, 767 S.E.2d 212, 217 (Ct. App. 2014) ("[A] witness may not give an opinion on whether he or she believes another witness is telling the truth or comment on another witness' veracity."); *State v. Barrett*, 416 S.C. 124, 131, 785 S.E.2d 387, 390 (Ct. App. 2016) ("[W]itnesses may not improperly bolster the testimony of other witnesses."). However, we hold the improper testimony and question, considered in conjunction with the rest of the record, were not "so grievous" to warrant a mistrial in this case. *See Harris*, 340 S.C. at 63, 530 S.E.2d at 628 ("In order to receive a mistrial, the defendant must show error and resulting prejudice."); *State v. Stanley*, 365 S.C. 24, 34, 615 S.E.2d 455, 460 (Ct. App. 2005) ("The granting of a motion for a mistrial is an extreme measure which should be taken only where an incident is so grievous that prejudicial effect can be removed in no other way.").

AFFIRMED.¹

THOMAS, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.