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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Brooks P. Goldsmith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEVANTE LAMONT WHITE,

APPELLANT

APPELLATE CASE NO. 2022-001793

INITIAL BRIEF OF APPELLANT

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TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

STATEMENT OF ISSUE ON APPEAL 1

STATEMENT OF THE CASE 2

STANDARD OF REVIEW 3

STATEMENT OF THE FACTS 4

ARGUMENT

The trial court reversibly erred by making a charge on the facts where (1) it instructed the jury on implied malice under the felony murder rule when Appellant was on trial for kidnapping as well as murder, and (2) where the court charged the jury at the end of the felony murder instruction that "kidnapping is considered a felony." 8

CONCLUSION 15

TABLE OF AUTHORITIES

Cases

Lowry v. State, 376 S.C. 499, 657 S.E.2d 760 (2008) 3

Pantovich v. State, 427 S.C. 555, 832 S.E.2d 596 (2019) 10

State v. Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009) 3, 9, 10, 13

State v. Brown, 438 S.C. 146, 881 S.E.2d 771 (Ct. App. 2022) 9, 10, 11, 13

State v. Burdette, 427 S.C. 490, 832 S.E.2d 575 (2019) ..... passim

State v. Cheeks 401 S.C. 322, 737 S.E.2d 480 (2013) 10

State v. Dawkins, 268 S.C. 110, 232 S.E.2d 228 (1977) 8, 12

State v. Elmore, 279 S.C. 417, 308 S.E.2d 781 (1983) 11

State v. Harding, 114, S.C. 280, 103 S.E. 557 (1920) 9

State v. James, 31 S.C. 218, 9 S.E. 844 (1889) 8

State v. Middleton, 407 S.C. 312, 755 S.E.2d 432 (2014) 3, 13

State v. Norris, 285 S.C. 86, 328 S.E.2d 339 (1985) 10, 11

State v. Simmons, 209 S.C. 531, 41 S.E.2d 217 (1947) 8

State v. Stewart, 433 S.C. 382, 858 S.E.2d 808 (2021) 10

State v. Stukes 416 S.C. 493, 787 S.E.2d 480 (2016) 10

State v. Thorne, 237 S.C. 248, 116 S.E.2d 854 (1960) 8, 12

State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991) 10

State v. Yates, 280 S.C. 29, 310 S.E.2d 805 (1982) 11

Other Authorities

S.C. Const. art. V, § 21 ..... 8, 12

STATEMENT OF ISSUE ON APPEAL

Whether the trial court reversibly erred by making a charge on the facts where (1) it instructed the jury on implied malice under the felony murder rule when Appellant was on trial for kidnapping as well as murder, and (2) where the court charged the jury at the end of the felony murder instruction that "kidnapping is considered a felony"?

STATEMENT OF THE CASE

Appellant Devante L. White was indicted by the Beaufort County Grand Jury for murder, kidnapping, attempted murder, and possession of a weapon during commission of a violent crime. Tr. * (Indictments). The charges stemmed from an incident occurring on the night of November 16, 2020, at the Westbury Park subdivision in Bluffton, South Carolina. Tr. 171, ln. 24—Tr. 172, ln. 22; Tr. 203, ln. 17—Tr. 17; Tr. * (Indictments).

Appellant's case proceeded to trial before the Honorable Brooks Goldsmith and a jury from December 12th through 16th, 2023. Ashley Cornwell represented Appellant, while the State was represented by Trasi Campbell. Tr. 1—Tr. 2; Tr. 140; Tr. 286; Tr. 512.

Although the indictment of attempted murder was quashed by the court, the jury found Appellant guilty of the remaining charges. Tr. 43, ll. 14-17; Tr. 661, ll. 10-16. The trial court imposed concurrent sentences as follows: forty (40) years for murder; thirty (30) years for kidnapping, and five (5) years for possession of a weapon during commission of a violent offense. Tr. 672, ll. 9-23.

STANDARD OF REVIEW

"Errors, including erroneous jury instructions, are subject to harmless error analysis." State v. Belcher, 385 S.C. 597, 611, 685 S.E.2d 802, 809 (2009) (citing Lowry v. State, 376 S.C. 499, 510–11, 657 S.E.2d 760, 766 (2008). "When considering whether an error with respect to a jury instruction was harmless, we must 'determine beyond a reasonable doubt that the error complained of did not contribute to the verdict.'" State v. Burdette, 427 S.C. 490, 496, 832 S.E.2d 575, 578 (2019) (quoting State v. Middleton, 407 S.C. 312, 317, 755 S.E.2d 432, 435 (2014). "In making a harmless error analysis, our inquiry is not what the verdict would have been had the jury been given the correct charge, but whether the erroneous charge contributed to the verdict rendered." Id. 427 S.C. at 496, 832 S.E.2d at 578–79.

STATEMENT OF THE FACTS

On December 16, 2020, Devante L. White (Appellant) was in Savannah, Georgia with his friend Malik "Trilley" White (Trilley), Trilley's girlfriend Quincie, Quincie's daughter, and Jamal "Honcho" Coakley (Honcho). Tr. 441, ll. 1-22; Tr. 536, ll. 14-24. Trilley left with Honcho and Appellant in Quincie's black Nissan Altima rental car, and the three drove to Summerville, South Carolina, where Sarah Barr (Barr) was picked up from her grandmother's home. Tr. 322, ln. 3–Tr. 324, ln. 18; Tr. 396, ln. 20–Tr. 398, ln. 5; Tr. 441, ln. 1–Tr. 442, ln. 22; Tr. 538, ln. 3–Tr. 540, ln. 20.

Trilley drove the group that night to the Westbury Park gated community in Bluffton, South Carolina. Tim Milliken (Milliken), a resident of Westbury Park who previously engaged Barr's services for about an hour in September, 2020, arranged for Barr to meet and spend the night with him.[1] Tr. 201, ln. 24—Tr. 202, ln. 24; Tr. 325, ll. 1-5; Tr. 395, ll. 1-25; Tr. 399, ln. 21—Tr. 401, ln. 4; Tr. 444, ll. 3-22; Tr. 543, ln. 16–Tr. 544, ln. 13. The gate code would not work, and Trilley drove down the road about a mile and a half. Jamal and Appellant exited the car, and went to the back of the vehicle, as did Trilley. Honcho had a revolver[2] and got in the trunk with Trilley—both had masks. Barr moved to the front seat, while Appellant got in the driver's seat and returned to the gate. Tr. 325, ln. 7–Tr. 328, ln. 1; Tr. 672, ll. 9-23; Tr. 399, ln. 3–Tr. 400, ln. 7; Tr. 444, ln. 23–Tr. 445, ln. 10; Tr. 544, ln. 8–Tr. 546, ln. 14.

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1 According to Barr, she worked for one week in September, 2020, as a prostitute out of the Shell Pointe Apartments, which is where she met Appellant. Tr. 394, ln. 4—Tr. 396, ln. 13. Although the State tried to intimate that Appellant was "part of the operation," testimony from both Barr and Trilley indicated Marcus "P.I." Pollard (also known as "Unc")—Trilley's uncle—was the person running prostitution there, and was the person who took Barr to Milliken's home in September 2020. Tr. 395, ln. 6-21; Tr. 396, ll. 9; Tr. 450, ll. 2-14. Further, Appellant's own testimony revealed that he too was a "male escort." Tr. 565, ln. 8—Tr. 566, ln. 7.

2 Although Honcho denied it at trial, other codefendants indicated the revolver was his. Tr. 430, ll. 2-7; Tr. 459, ln. 13–Tr. 460, ln. 2; Tr. 465, ln. 18—Tr. 466, ln. 1; Tr. 545, ll. 5-7.

At approximately 11:03 pm, Millikin was at the gate and entered the car; Appellant drove through the gate to the driveway of Milliken's home. As they exited, Barr asked Milliken to get her bag. When the trunk popped open, Honcho and Trilley jumped out with Honcho pointing the revolver at Milliken. Appellant came back, grabbed Milliken, and told him that he was under arrest for prostitution. Tr. 204, ln. 12—Tr. 205, ln. 2; Tr. 328, ln. 2–Tr. 329, ln. 23; Tr. 382, ll. 19-25; Tr. 400, ln. 20–Tr. 403, ln. 4; Tr. 445, ln. 11–Tr. 446, ln. 20; Tr. Tr. 567, ln. 15–Tr. 548, ln. 5.

Milliken was taken down the driveway to the backdoor entrance of his home. He refused to open the door and let everyone inside. Honcho struck Milliken several times, and the revolver was ultimately passed to Appellant's possession. When Milliken was hit by Appellant, the firearm accidentally discharged without the errant bullet striking anyone. Eventually, Milliken opened the back door and entered his laundry room. He then attempted to close the door leaving the others outside. With a struggle occurring at the doorway, the revolver fired once more. This time, the bullet struck Millikin in the leg[3] and he fell to the floor; Appellant, Trilley, Honcho, and Barr all ran to the car. Tr. 330, ln. 12–Tr. 339, ln. 22; Tr. 383, ln. 2–Tr. 384, ln. 5; Tr. 404, ln. 1–Tr. 406, ln. 11; Tr. 425, ln. 7–Tr. 426, ln. 25; Tr. 446, ln. 21–Tr. 449, ln. 15; Tr. 463, ll. 12-25; Tr. 548, ln. 9–Tr. 553, ln. 8. The Nissan quickly left Westbury Park. Two of Milliken's neighbors came to his house shortly after and called 911. Tr. 187, ln. 16–Tr. 189, ln. 17; Tr. 196,

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[3] Appellant indicated he thought he was pointing the gun at the floor and did not intend to shoot Milliken. Tr. 464, ln. 19–Tr. 465, ln. 1; Tr. 485, ll. 3-19; Tr. 488, ll. 9-14; Tr. 552, ll. 1-22; Tr. 555, ll. 5-12; Tr. 566, ln. 15—Tr. 568, ln. 12.

ln. 18–Tr. 197, ln. 17. Police arrived, and EMS was dispatched.[4] Milliken succumbed to the gunshot wound to his left thigh within minutes of injury. Tr. 485, ll. 6-19; Tr. 488, ll. 2-7.

Trilley first stopped at his grandmother's house in Dale, South Carolina, and then continued to Quincie's home in Savannah, Georgia. Not long after, Quincie rode with the other four to her grandmother's home in Gwinnett County, Georgia. Police arrived later that morning and arrested Honcho, Trilley, and Appellant; they were ultimately charged with kidnapping, attempted armed robbery, murder, and possession of a firearm during commission of a violent crime. Tr. 320, ll. 1-4; Tr. 339, ln. 23–Tr. 342, ln. 17; Tr. 344, ll. 1-17; Tr. 406, ln. 9–Tr. 408, ln. 11; Tr. 427, ln. 4–Tr. 429, ln. 15; Tr. 439, ll. 11-14; Tr. 450, ln. 15–Tr. 453, ln. 18; Tr. 464, ll. 5-7; Tr. 554, ln. 6–Tr. 558, ln. 22. Barr was arrested several days later as well. Tr. 388, ll. 19-22; Tr. 408, ll. 16-22.

Appellant's case proceeded to trial from December 12th through 16th, 2023. Tr. 1; Tr. 140; Tr. 286; Tr. 512. During jury charge conferences, the State sought an instruction regarding an inference of malice under the felony murder rule. Additionally, the State sought to have the court tell the jury that kidnapping was a felony offense. Counsel for Appellant (Counsel) objected to the instruction asserting, *inter alia*, that it was a charge on the facts due to the language of the charge itself, as well as for telling the jury that kidnapping is a felony. The trial court ultimately ruled that it was going to charge the jury with the felony murder inference of malice; however, it indicated that it was not going to tell the jury that kidnapping was a felony in its instruction regarding the felony murder inference of malice. Tr. 501, ln. 18–Tr. 503, ln. 25; Tr. 504, ll. 8-20; Tr. 510, ll. 13-14; Tr. 524, ln. 4–Tr. 531, ln. 14; Tr. 589, ln. 4–Tr. 592, ln. 5; Tr.

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[4] Although EMS arrived at 11:30 pm, she was delayed from treating Milliken for 45 minutes due to the presence of a dog. Tr. 180, ln. 2–Tr. 182, ln. 10.

650, ll. 1-11. Yet, the trial court instructed the jury[5] as follows regarding felony murder inference of malice:

> *If I tell you that one intentionally kills another during the commission of a felony, the inference of malice may arise.* If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would simply be an evidentiary fact, to be taken into consideration by you, along with all the other evidence in this case, you may give it the weight that you believe it should.
>
> *I tell you that in this state, the crime of kidnapping is considered a felony.* And as I stated, the Defendant is charged with the crime of Kidnapping, ...

Tr. 646, ll. 1-14 (emphasis added). The court then continued to define the elements of kidnapping. Tr. 646, ln. 14—Tr. 647, ln. 15. After the jury was charged, Counsel again raised her objections to the instructions. Tr. 650, ln. 1—Tr. 651, ln. 1.

After deliberations, the jury found Appellant guilty of kidnapping, murder, and possession of a weapon during commission of a violent offense. Tr. 43, ll. 14-17; Tr. 661, ll. 10-16. The trial court sentenced him to an aggregate sentence of forty (40) years, with credit for 701 days time served. Tr. 672, ll. 9-23.

This appeal follows.

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5 When asked by Counsel if it could provide a copy of its jury instructions, the trial court replied, "No. No. Just—you're gonna [sic] have to rely on your memory." Tr. 604, ll. 18-22.

ARGUMENT

The trial court reversibly erred by making a charge on the facts where (1) it instructed the jury on implied malice under the felony murder rule when Appellant was on trial for kidnapping as well as murder, and (2) where the court charged the jury at the end of the felony murder instruction that "kidnapping is considered a felony."

The trial court made a charge on the facts by instructing the jury regarding implied malice under the felony murder rule in South Carolina when it Appellant was also on trial for kidnapping, and where the court also included the statement, "the crime of kidnapping is considered a felony charge." The court's erroneous instruction was especially prejudicial to Appellant's case where there was both physical and testimonial evidence that Appellant harbored no malice or intent to kill Milliken when the fatal shot was fired. Further, the jury was acutely aware that Milliken was killed during a purported kidnapping based upon the facts alleged. Accordingly, Appellant's conviction should be reversed.

Under the Constitution of South Carolina, "[j]udges shall not charge juries in respect to matters of fact, but shall declare the law." S.C. Const. art. V, § 21. "The Judge must be careful to avoid expressing, or even intimating, any opinion, as to the facts, and if he does so, whether intentionally or unintentionally, a new trial must be granted." State v. Thorne, 237 S.C. 248, 251, 116 S.E.2d 854, 855 (1960) (citing State v. James, 31 S.C. 218, 9 S.E. 844 (1889)); see also State v. Dawkins, 268 S.C. 110, 111–12, 232 S.E.2d 228, 229 (1977) ("a trial judge may not, expressly or by implication, intimate any opinion as to the force and effect of testimony in the case.") (citing State v. Simmons, 209 S.C. 531, 41 S.E.2d 217 (1947)). "Under our Constitution the jury is the exclusive judge of the facts, and the true meaning and real object is that the jury must be left to form its own judgment, unbiased by any expressions, or even intimations, of opinion by the Judge." Id. Thus, "[j]ury charges that comment on the facts of a case are not

allowed." State v. Brown, 438 S.C. 146, 151–52, 881 S.E.2d 771, 774 (Ct. App. 2022), reh'g denied (Jan. 4, 2023), cert. granted (Oct. 27, 2023).

Such an impermissible charge on the facts can arise in the context of a trial court's instruction regarding implied malice in homicide cases. For example, in State v. Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009), the defendant was charged with murder and possession of a weapon during the commission of a violent crime. Id. 385 S.C. at 600-01, 685 S.E.2d 804. The jury instructions included not only self-defense, but also an inference of malice based upon the defendant's use of a deadly weapon. Id. The "argument Belcher advance[d]" was the same as that in State v. Harding, 114, S.C. 280, 290, 103 S.E. 557 (1920) permitting malice to be implied based upon the use of a deadly weapon was "a charge on the facts contrary to the Constitution, in that it undertakes to intimate and instruct the jury what facts in the case are evidence of malice." Belcher, 385 S.C. at 606, 685 S.E.2d 807. The Belcher Court ultimately corrected the course of South Carolina common law, and reversed. Id. 385 S.C. at 610-11, 685 S.E.2d 809. While maintaining the standard charge regarding express and inferred malice, the Court left any further comments regarding what the jury should specifically consider from the use of a deadly weapon for the parties to argue. Id. 385 S.C. at 612 n.9, 685 S.E.2d at 810 n.9 ("In addition, we neither restrict the State from arguing to the jury for a finding of malice from the use of a deadly weapon, nor restrict a defendant from arguing the absence of malice or the presence of reasonable doubt in this regard."). This understanding was cemented in State v. Burdette, 427 S.C. 490, 832 S.E.2d 575 (2019), wherein the Court explained the rationale against the continuing validity of the inferred malice instruction as follows:

> When the trial court tells the jury it may use evidence of the use of a deadly weapon to establish the existence of malice, a critical element of the charge of murder, *the trial court has directly commented upon facts in evidence, elevated those facts, and*

> *emphasized them to the jury.* Even telling the jury that it is to give evidence of the use of a deadly weapon only the weight the jury determines it should be given does not remove the taint of the trial court's injection of its commentary upon that evidence. Such an instruction is no different than an instruction that the jury may use evidence of flight as evidence of guilt. *A jury instruction that malice may be inferred from the use of a deadly weapon is an improper court-sponsored emphasis of a fact in evidence*—that the deed was done with a deadly weapon—and it should no longer be permitted.

Id. 427 S.C. at 502–03, 832 S.E.2d at 582 (emphasis added).

Another such inference of malice is the felony murder rule. Although South Carolina appellate courts have not yet specifically weighed in upon continued use of the inference of malice through a felony murder instruction in the wake of Belcher and Burdette, the Court of Appeals astutely noted in State v. Brown that "[r]ecent precedent has directed circuit courts to refrain from giving instructions that guide juries on the inferences they can draw from evidence or that tells the jury to consider particular evidence and how to construe it." Id. 438 S.C. at 152–53, 881 S.E.2d at 774 (cataloguing recent South Carolina cases regarding invalidated inferential instructions).[6] "South Carolina follows the common law rule of murder and makes no distinction between murder and felony-murder." State v. Norris, 285 S.C. 86, 92, 328 S.E.2d 339, 343 (1985) overruled in part by State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991), and overruled

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[6] Specifically, the Brown Court compiled the following list supporting its observation: "State v. Cheeks invalidated the instruction that knowledge of the presence of drugs is strong evidence of intent to control the disposition or use of drugs. 401 S.C. 322, 328-29, 737 S.E.2d 480, 484 (2013). State v. Stukes invalidated the instruction that the accuser's testimony in a criminal sexual conduct case need not be corroborated. 416 S.C. 493, 499-500, 787 S.E.2d 480, 483 (2016). Burdette held courts could no longer instruct juries that they may infer malice from the use of a deadly weapon. 427 S.C. at 501-04, 832 S.E.2d at 582-83. This list goes on. See State v. Stewart, 433 S.C. 382, 391, 858 S.E.2d 808, 813 (2021) (involving an instruction about knowledge or possession of drugs when drugs are found on property under the defendant's control); Pantovich v. State, 427 S.C. 555, 562, 832 S.E.2d 596, 600 (2019) (involving an instruction on good character alone)." 438 S.C. at 152–53, 881 S.E.2d at 774.

in part by State v. Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009) (citing State v. Yates, 280 S.C. 29, 310 S.E.2d 805 (1982)). As the Court in Norris instructed, "[a] proper charge on implied malice" for felony murder is as follows:

> The law says if one intentionally kills another during the commission of a felony, the implication of malice may arise. If facts are proved beyond a reasonable doubt, sufficient to raise an inference of malice to your satisfaction, this inference would be simply an evidentiary fact to be taken into consideration by you, the jury, along with other evidence in the case, and you may give it such weight as you determine it should receive.

Id. (citing State v. Elmore, 279 S.C. 417, 308 S.E.2d 781 (1983), overruled in part by Burdette, 427 S.C. at 490, 832 S.E.2d at 575). Thus, as with the inference of malice based upon the use of a deadly weapon, the felony murder instruction specifically tells the jury it may infer malice when facts show that the intentional homicide occurs during other felonious conduct. Additionally, noticeably absent from the Norris Court's felony murder implied malice instruction is any statement about the actual underlying crime alleged by the State to be occurring when the homicide happened, or whether it was felonious.

In the case at bar, several discussions were held with the trial court regarding jury instructions. The State repeatedly sought not only a felony murder charge, but also that the instruction specifically indicate that kidnapping is a felony. Over Counsel's objections that it would be a charge on the facts, and that like Belcher should properly be left for the attorneys to argue to the jury, the trial court held it was going to include a charge on felony murder, and on two occasions it read what it intended to charge. Moreover, at no time did the trial court indicate it was going to include a statement with the felony murder instruction that kidnapping was a felony Counsel maintained her objections to both the felony murder inference charge itself, as

well as instruction that kidnapping was a felony. Tr. 501, ln. 18–Tr. 503, ln. 25; Tr. 504, ll. 8-20; Tr. 510, ll. 13-14; Tr. 524, ln. 4–Tr. 531, ln. 14; Tr. 589, ln. 4–Tr. 592, ln. 5; Tr. 650, ll. 1-11.

Surprisingly, the trial court not only charged the instruction to which Counsel objected, but also told the jury—over Counsel's objections—in no uncertain terms that the other charge for which Appellant was on trial was a felony:

> *If I tell you that one intentionally kills another during the commission of a felony, the inference of malice may arise.* If facts are proved beyond a reasonable doubt sufficient to raise an inference of malice to your satisfaction, this inference would simply be an evidentiary fact, to be taken into consideration by you, along with all the other evidence in this case, you may give it the weight that you believe it should.
>
> *I tell you that in this state, the crime of kidnapping is considered a felony.* And as I stated, the Defendant is charged with the crime of Kidnapping, ...

Tr. 646, ll. 1-14 (emphasis added); Tr. 650, ln. 1—Tr. 651, ln. 1. The court then continued to define the elements of kidnapping immediately afterward. Tr. 646, ln. 14—Tr. 647, ln. 15. Such an instruction amounted to an unconstitutional charge on the facts where (1) the State's theory of the case was that Milliken was killed during the commission of a felony, and (2) the felony during which Milliken was killed was kidnapping. S.C. Const. art. V, § 21; Dawkins, 268 S.C. at 111–12, 232 S.E.2d at 229 ("[A] trial judge may not, expressly or by implication, intimate any opinion as to the force and effect of testimony in the case."); Thorne, 237 S.C. at 251, 116 S.E.2d at 855 ("Under our Constitution the jury is the exclusive judge of the facts, and the true meaning and real object is that the jury must be left to form its own judgment, unbiased by any expressions, or even intimations, of opinion by the Judge."). As in Burdette, the court "directly commented upon the facts in evidence, elevated these facts, and emphasized them to the jury" by instructing the it may use the evidence of the other felony—kidnapping—"to establish the

existence of malice, a critical element of the charge of murder." Id. 427 S.C. at 502–03, 832 S.E.2d at 582.

It also makes no difference that the court told the jury, "this inference would simply be an evidentiary fact, to be taken into consideration by you, along with all the other evidence in this case, you may give it the weight that you believe it should." Tr. 646, ll. 1-14. As the Burdette Court indicated, simply telling the jury to give the weight and consideration of such an inference "does not remove the taint of the trial court's injection of its commentary upon that evidence." Id. 427 S.C. at 502–03, 832 S.E.2d at 582. Rather, as with instructions based upon the use of a firearm, "a jury instruction that malice may be inferred [during the commission of a felony] is an improper court-sponsored emphasis of a fact in evidence—that the deed was done [during the commission of a felony, and that kidnapping is a felony]—and it should no longer be permitted." Id. (alterations added). Simply stated, comments about facts specific to Appellant's case regarding the element of malice are for the parties to argue, not for the court to instruct. See, e.g., Belcher, 385 S.C. at 612 n.9, 685 S.E.2d at 810 n.9; see also Brown, 438 S.C. at 152–53, 881 S.E.2d at 774 ("The lawyers are free in argument to suggest how the jury should think about the evidence and what conclusions they should draw, but the ultimate decision is the jury's to make."). Accordingly, the trial court erred.

Appellant was prejudiced by the court's instruction on the facts as well, as it likely contributed to his conviction due to the lack of evidence regarding malice beyond the inference provided by the felony murder instruction. "When considering whether an error with respect to a jury instruction was harmless, we must 'determine beyond a reasonable doubt that the error complained of did not contribute to the verdict.'" Burdette, 427 S.C. at 496, 832 S.E.2d at 578 (2019) (quoting Middleton, 407 S.C. at 317, 755 S.E.2d at 435). "In making a harmless error

analysis, our inquiry is not what the verdict would have been had the jury been given the correct charge, but whether the erroneous charge contributed to the verdict rendered." Id. 427 S.C. at 496, 832 S.E.2d at 578–79.

In the present case, the evidence of malice was scant. First and foremost, testimony indicated Appellant had no intention of shooting Milliken. This is further supported by the fact that Milliken was struck by a single bullet not in the chest or head, but in the leg. Moreover, testimony also indicated that even this shot was accidental. Tr. 464, ln. 19–Tr. 465, ln. 1; Tr. 485, ll. 3-19; Tr. 488, ll. 9-14; Tr. 552, ll. 1-22; Tr. 555, ll. 5-12; Tr. 566, ln. 15—Tr. 568, ln. 12. Second, testimonial evidence from multiple witnesses show Appellant was not even the individual who brought a firearm to Beaufort County in the first place—Honcho brought the weapon. Tr. 430, ll. 2-7; Tr. 459, ln. 13–Tr. 460, ln. 2; Tr. 465, ln. 18—Tr. 466, ln. 1; Tr. 545, ll. 5-7. Additionally, it was Honcho who admitted to concocting at least part of the plan rather than Appellant. Tr. 382, ll. 19-25. In other words, the tragic gunshot to Milliken's leg was not born of a depraved heart planning or intending to kill anyone. Under these circumstances, the primary evidence regarding malice was the inference provided by the trial court in its felony murder instruction to the jury. As such, "the erroneous charge contributed to the verdict rendered." Id. 427 S.C. at 496, 832 S.E.2d at 578–79. Accordingly, Appellant was prejudiced.

CONCLUSION

For the foregoing reasons, Appellant Devante L. White respectfully requests reversal of his murder conviction, and remand for a new trial.

Breen Richard Stevens
Appellate Defender

ATTORNEY FOR APPELLANT

This 16th day of January, 2024.