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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Saluda County

Honorable Debra R. McCaslin, Circuit Court Judge

GERALD R. WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2021-000783

BRIEF OF PETITIONER

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TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

ISSUE PRESENTED 1

STATEMENT 2

STANDARD OF REVIEW 5

ARGUMENT

The PCR judge erred in finding that trial counsel was not ineffective for failing to object to the trial judge's improper jury instruction that attempted murder was not a specific-intent crime because this Court's opinion in *State v. Sutton*, 340 S.C. 393, 532 S.E.2d 283 (2000) had been decided and found that although attempted murder was not a recognized crime in South Carolina at that time, attempted murder would require the specific intent to kill the victim.

Relevant Facts 6
Discussion 7
Prejudice 10

CONCLUSION 16

TABLE OF AUTHORITIES

Anders v. California, 386 U.S. 738 (1967) 3

Ard v. Catoe, 372 S.C. 318, 642 S.E.2d 590 (2007) 8

Gilmore v. State, 314 S.C. 453, 445 S.E.2d 454 (1994) 8

Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018) 5

State v. Fennell, 340 S.C. 266, 531 S.E.2d 512 (2000) 14

State v. Geter, 434 S.C. 557, 864 S.E.2d 569 (Ct. App. 2021) 15

State v. Heyward, 197 S.C. 371, 15 S.E.2d 669 (1941) 14

State v. King, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015) .... passim

State v. King, 422 S.C. 47, 810 S.E.2d 18 (2017) .... passim

State v. Reid, 393 S.C. 325, 713 S.E.2d 274 (2011) 8

State v. Sutton, 333 S.C. 192, 508 S.E.2d 41 (Ct. App. 1998) .... passim

State v. Sutton, 340 S.C. 393, 532 S.E.2d 283 (2000) .... passim

State v. Williams, 422 S.C. 525, 812 S.E.2d 917 (Ct. App. 2018) 3

State v. Williams, 427 S.C. 148, 829 S.E.2d 702 (2019) 4, 14, 15

Taylor v. State, 404 S.C. 350, 745 S.E.2d 97 (2013) 5

Strickland v. Washington, 466 U.S 668 (1984). 5, 8, 16

Washington v. State, 440 S.C. 550, 891 S.E.2d 668 (Ct. App. 2023) 5

Statutes

S.C. Code Ann. § 16-3-29 (2010) 8, 9, 10

ISSUE PRESENTED

Whether the PCR judge erred in finding that trial counsel was not ineffective for failing to object to the trial judge's improper jury instruction that attempted murder was not a specific-intent crime, where the Supreme Court's opinion in State v. Sutton, 340 S.C. 393, 532 S.E.2d 283 (2000) had been decided and found that although attempted murder was not a recognized crime in South Carolina at that time, attempted murder would require the specific intent to kill the victim?

STATEMENT

Petitioner was indicted in July of 2013 by the Saluda County grand jury for three counts of attempted murder. App. 1094 – 1102. Petitioner's trial was held before the Honorable J. Michael Baxley and a jury from October 14 – 17, 2013. App. 1. Petitioner was represented by Bennett Casto and Robert Madsen. The state was represented by Ervin Maye and H. Franklin Young, III. App. 1.

Petitioner and his co-defendant, O.J. Charley ("Charley"), were both charged with three counts of attempted murder. The alleged victims were Al Jerome Young ("Young"), Ycedra Williams ("Ycedra") and Joseph Wrighton ("Joseph").

Young was a drug dealer who testified that Charley paid him $26,000 for drugs. However, Young did not give Charley any drugs because he wanted to "rip [Charley] off." App. 272, l. 18 – 273, l. 13. Young's house was subsequently shot at by two people on the night of April 13, 2012. Young, Ycedra and Joseph were all present in the home at the time of the shooting. App. 275, l. 3 – 276, l. 5. Petitioner and Charley were both apprehended shortly after the shooting near the residence that had been targeted. App. 326, l. 23 – 327, l. 8.

Charley (who had plead guilty but was awaiting sentencing) testified during trial having been called by Petitioner's trial counsel. App. 576, ll. 1 – 10. Initially, Charley testified that Young robbed him at gunpoint and stole $32,000 and that he intended to go to Young's house and take the money back by force. App. 607, ll. 7 – 12. Charley asked Petitioner to give him a ride but did not tell Petitioner what his intentions were. Instead, Charley told Petitioner that they were going to "see some girls." App. 584, l. 5 – 585, l. 25.

Upon arrival at the crime scene, Charley went up to the house while Petitioner stayed in the car. App. 590, l. 3 – 591, l. 7. According to Charley, Young opened the door of the home and

shot a gun in the air. Charley said that he shot his gun in the air in response. App. 592, l. 2 – 21. Charley ran back to the car where Petitioner was, but the police arrived "within five seconds" and apprehended them. App. 592, ll. 16 – 25. However, on cross-examination, Charley stated that he lied in his direct examination. App. 605, ll. 9 – 23. Charley then proceeded to testify that Petitioner was an active participant in the shooting. App. 605, l. 13 – 631, l. 24.

Petitioner was found guilty as charged. App. 722, l. 23 – 723, l. 10. He was sentenced to concurrent terms of twenty years imprisonment for each offense. App. 738, ll. 4 – 11.

On direct appeal, Petitioner was represented by appellate defender David Alexander. Alexander initially filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967) along with a petition to be relieved as Petitioner's counsel. App. 743 – 755. Petitioner filed his own *pro se* brief as well. App. 756 – 766.

On March 31, 2016, the Court of Appeals denied Alexander's petition to be relieved as counsel and directed Alexander to brief the following issues:

(1) Whether the trial court erred in refusing to charge the jury on the lesser-included offense of first-degree assault and battery?

(2) Whether the trial court erred in charging the jury on the doctrine of transferred intent?

App. 767.

On February 28, 2018, the Court of Appeals affirmed Petitioner's convictions, holding that the trial judge did not err in instructing the jury on the doctrine of transferred intent and the trial judge's error in refusing to instruct the jury on the lesser-included offense of first-degree assault and battery was harmless beyond a reasonable doubt. App. 841 – 855; State v. Williams, 422 S.C. 525, 812 S.E.2d 917 (Ct. App. 2018).

On June 21, 2018, Alexander filed a petition for writ of certiorari on behalf of Petitioner in the South Carolina Supreme Court raising both issues. App. 864 – 882. The state filed its return on July 23, 2018. App. 883 – 904. The Supreme Court granted Petitioner's petition for writ of certiorari on October 18, 2018. App. 905. Alexander filed the Brief of Petitioner on November 16, 2018, and the state filed its Brief of Respondent on December 7, 2018. App. 907 – 952.

Our Supreme Court held oral arguments on the case on March 26, 2019, and affirmed the Court of Appeal's decision as modified on June 12, 2019. App. 953. Specifically, our Supreme Court found that because trial counsel did not object to Petitioner having been tried for attempted murder as a general-intent crime, that the doctrine of transferred intent was applicable to Petitioner's case. Our Supreme Court declined to address whether transferred intent applied to specific-intent crimes and vacated the portion of the Court of Appeals' opinion that dealt with that issue. App. 953 – 962; State v. Williams, 427 S.C. 148, 829 S.E.2d 702 (2019).

Petitioner filed his PCR application on July 25, 2019, and the state filed its return on May 4, 2020. App. 963 – 1013. An evidentiary hearing was held on April 28, 2021, via WebEx, before the Honorable Debra R. McCaslin. App. 1014. Petitioner was represented by Ashley McMahan, and the state was represented by Taylor Z. Smith. App. 1014. Petitioner, his trial counsel, and his appellate counsel all testified at the hearing. App. 1015. The PCR judge denied Petitioner's application for relief. App. 1068 – 1093.

This petition for writ of certiorari followed with the Supreme Court transferring the matter to his Court by order dated July 6, 2022. This Court granted certiorari by order filed February 8, 2024.

STANDARD OF REVIEW

"Our standard of review in PCR cases depends on the specific issue before us. We defer to a PCR court's findings of fact and will uphold them if there is evidence in the record to support them. We review questions of law de novo, with no deference to trial courts." Smalls v. State, 422 S.C. 174, 180–81, 810 S.E.2d 836, 839–40 (2018) (internal citations omitted).

"A criminal defendant is guaranteed the right to effective assistance of counsel under the Sixth Amendment to the United States Constitution." Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). "To establish a claim for ineffective assistance of counsel, a PCR applicant must show (1) counsel's performance was deficient because it "fell below an objective standard of reasonableness" and (2) "there is a reasonable probability that, but for counsel's ... errors, the result of the proceeding would have been different." Washington v. State, 440 S.C. 550, 563, 891 S.E.2d 668, 675 (Ct. App. 2023) (*quoting* Strickland v. Washington, 466 U.S. 668, 687-89 (1984)).

ARGUMENT

The PCR judge erred in finding that trial counsel was not ineffective for failing to object to the trial judge's improper jury instruction that attempted murder was not a specific-intent crime because this Court's opinion in *State v. Sutton*, 340 S.C. 393, 532 S.E.2d 283 (2000) had been decided and found that although attempted murder was not a recognized crime in South Carolina at that time, attempted murder would require the specific intent to kill the victim.

Relevant Facts

The trial judge instructed the jury as to the offense of attempted murder: "A specific intent to kill is not an element of attempted murder, but there must be a general intent to commit serious bodily injury." App. 703 ll. 22 – 24. Trial counsel did not object to this instruction. At Petitioner's PCR hearing, trial counsel acknowledged that he did not object to this instruction and stated that at the time of the trial he believed the instruction was proper. App. 1039, ll. 6 – 8. Counsel stated that at the time of the trial it was not clear to him what level of criminal intent was required for attempted murder cases because neither this Court's opinion nor the Supreme Court's opinion in State v. King[1] had been decided. App. 1038, l. 15 – 1039, l. 24.

The PCR judge acknowledged that this Court's opinion in King, 422 S.C. 47, 810 S.E.2d 18 (2017) made clear that attempted murder is a specific-intent crime and that, post-King, any jury instruction to the contrary is improper. App. 1082. However, the PCR judge concluded that "back in 2013," this was "far from clear." App. 1082. The PCR judge found that "[t]rial counsel was unaware at the time [of Petitioner's trial] that attempted murder was a specific-intent crime"

1 State v. King, 422 S.C. 47, 810 S.E.2d 18 (2017) aff'd as modified State v. King, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015).

because counsel "did not have the benefit of the guidance of our appellate courts' opinions in King." App. 1082.

The PCR judge went on to say that requiring trial counsel to have correctly assessed the level of intent required by the attempted murder statute at the time of Petitioner's trial would "hold trial counsel, wrongly, to the standard of a greater than that of any competent attorney." App. 1083.

Discussion

In State v. Sutton, 333 S.C. 192, 508 S.E.2d 41 (Ct. App. 1998) (hereinafter Sutton I), the defendant shot the victim three times, and the victim died more than one year and one day later. Sutton was charged with assault and battery with intent to kill ("ABIK"), attempted murder, and possession of a firearm during the commission of a violent crime. At trial, Sutton moved for a directed verdict, arguing that ABIK and attempted murder were the same offense. The trial judge denied the motion. This Court found that, "[i]n South Carolina, the offense of assault and battery with intent to kill embraces the whole of attempted murder," and vacated Sutton's attempted murder conviction. Sutton I, 333 S.C. at 194, 508 S.E.2d at 42.

In reviewing this Court's decision in Sutton I, our Supreme Court noted: "[a]ttempted murder *would require the specific intent to kill* and conduct towards that end. ABIK requires an unlawful act of violence to the person of another with malice. Clearly, each offense has an element the other does not." State v. Sutton, 340 S.C. 393, 397, 532 S.E.2d 283, 285 (2000) (emphasis added) (hereinafter Sutton II).

In 2010, the South Carolina General Assembly enacted a statute creating the offense of attempted murder. The statute reads: "A person who, *with intent to kill, attempts to kill another*

person with malice aforethought, either expressed or implied, commits the offense of attempted murder." S.C. Code Ann. § 16-3-29 (2010) (emphasis added).

Here, trial counsel's failure to object to the judge's erroneous jury instruction that attempted murder was not a specific-intent crime was ineffective assistance of counsel. The PCR judge erred in its heavy reliance on the fact that the King[2] cases had not been decided at the time of Petitioner's trial. While counsel is not expected to be clairvoyant, counsel is expected to act reasonably and conform to professional norms. See Gilmore v. State, 314 S.C. 453, 457, 445 S.E.2d 454, 456 (1994) ("We have never required an attorney to be clairvoyant or anticipate changes in the law which were not in existence at the time of trial"). "When evaluating the reasonableness of counsel's conduct, 'the court should keep in mind that counsel's function, as elaborated in prevailing professional norms, is to make the adversarial testing process work in the particular case.'" Ard v. Catoe, 372 S.C. 318, 331, 642 S.E.2d 590, 597 (2007) (quoting Strickland v. Washington, 466 U.S. at 690).

Counsel did not need to be clairvoyant in order to realize that attempted murder was a specific-intent crime at the time of Petitioner's trial. At the time of Petitioner's trial, counsel should have been aware of this Court's opinion in Sutton I and the three-year-old attempted murder statute in S.C. Code Ann. § 16-3-29 (2010), which both supported attempted murder as a specific-intent crime. Counsel should have also been aware of the Supreme Court's decision in State v. Reid, 393 S.C. 325, 329, 713 S.E.2d 274, 276 (2011), where the Supreme Court noted that "[t]o prove attempt, the State must prove that the defendant had the *specific intent* to commit the underlying offense, along with some *overt act*, beyond mere preparation, in furtherance of the

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[2] State v. King, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015), aff'd as modified, 422 S.C. 47, 810 S.E.2d 18 (2017).

intent." The prevailing professional norm among the criminal defense bar in this state after the passage of S.C. Code Ann. § 16-3-29 (2010) was to object to the jury instruction that attempted murder was not a specific-intent crime.

The fact that this issue had not been squarely decided by this Court at the time of trial does not obviate counsel's duty to conform to the prevailing professional norm of making this objection to preserve the issue for appellate review. Trial lawyers must make objections so that our appellate courts are given the opportunity to decide issues. If the trial lawyers in King had not made this exact objection at trial, then this Court would not have been able to reach the issue as to whether attempted murder was a specific or general-intent crime. The lawyers in King knew to make the objection because it was the reasonable and prevailing position of the criminal defense bar years before the Supreme Court's opinion in State v. King, 422 S.C. 47, 810 S.E.2d 18 (2017). King's offense occurred on November 26, 2010, with his trial being conducted in November of 2012. Petitioner's alleged offense occurred in April of 2012, with trial running from October 14 – 17, 2013. App. 1.

Finally, although the King cases were decided after Petitioner's trial, it is important to note that both of those opinions relied heavily on Sutton II, and the language in S.C. Code Ann. § 16-3-29 (2010). In State v. King, 412 S.C. 403, 772 S.E.2d 189 (Ct. App. 2015) (hereinafter King I), this Court noted that our appellate courts have a history of requiring the state to prove specific intent in attempt crimes and found it significant that, in light of this history, the General Assembly included the phrase "with intent to kill" in S.C. Code Ann. § 16-3-29 (2010). The Court further noted that "[t]he Legislature is presumed to know how the terms and phrases it uses in a statute have been interpreted in the past." King I, 412 S.C. at 409, 772 S.E.2d at 192.

This Court then found that "[t]he Legislature's use of the phrase 'with intent to kill,' considered in light of our courts' prior rulings that specific intent is required for attempt crimes – particularly the supreme court's statement in Sutton, 'Attempted murder would require the specific intent to kill' – indicates the Legislature intended to require the State to prove the specific intent to kill as an element of attempted murder." King I, 412 S.C. at 410, 772 S.E.2d at 193 (quoting Sutton, 340 S.C. 393, 397, 532 S.E.2d 283, 285 (2000)). When the Supreme Court reviewed this Court's decision in King I, it also relied heavily on Sutton, noting: "while we agree with the State that the statement referenced from Sutton [that attempted murder would require a specific intent to kill] constitutes dicta, it is still an accurate statement of law." State v. King, 422 S.C. 47, 55-56, 810 S.E.2d 18, 22 (2017) (hereinafter King II).

Petitioner is not now asking this Court to hold trial counsel to the impossible standard of accurately predicting the future of appellate decisions, only that Petitioner is entitled to an attorney who represents him within the bounds of the prevailing professional norms. At the time of Petitioner's trial, the Sutton cases and S.C. Code Ann. § 16-3-29 (2010) provided trial counsel with a substantial basis for raising an objection to the trial judge's erroneous instruction on attempted murder not being a specific-intent crime. Trial counsel was ineffective in failing to recognize the prevailing professional norm that was based on then existing case law and the statute defining the offense. The PCR judge erred in finding that trial counsel was not deficient.

Prejudice

The involved parties and changing stories of the night of April 13, 2012, make interesting reading. As noted, O.J. Charley ("Charley") stole $26,000 from Al Jerome Young ("Young") who believed he was buying drugs from Charley. App. 272, l. 18 – 273, l. 13. Al Jerome Young ("Young") was a drug dealer, had a prior conviction for giving a false name to law enforcement, and admitted his intention was "to rip [Young] off." App. 270, l. 23 - 273, l. 13.

On April 13, 2012, Young was home with Ycedra Williams ("Ycedra") and Joseph Wrighton ("Joseph"). Upon being alerted that some people were approaching the home, Young grabbed the stolen money and a .40 caliber pistol and told Ycedra to turn off all the lights. App. 275, ll. 10 – 14. Ycedra called the police. App. 275, ll. 15 – 18. Young fired his weapon, and claimed he was returning fire from the assailants. App. 276, ll. 1 – 5. When the police arrived, Young told Joseph and Ycedra to tell them he was not there because he had a probation warrant. App. 276, l. 19 – 277, l. 15. Both Ycedra and Joseph admitted pleading guilty to giving false information to police for lying about Young not being present. App. 237, ll. 3 – 7; 258, ll. 1 – 19.

Young claimed he never went outside during the exchange of gunfire. App. 276, ll. 16 – 18. However, multiple .40 caliber shell casings were found in the yard. App. 511, l. 9 – 512, l. 5. No one was injured, and none of the people in the house identified appellant as one of the shooters. Ycedra testified that a few days before the gunfight, she saw Charley come to Young's trailer looking for him in a van. App. 221, l. 5 – 222, l. 17. Appellant was Ycedra's second cousin, and she did not identify appellant as being with Charley in the van. App. 217, l. 22 – 218, l. 3; 240, ll. 18 – 20.

The night of the gunfight, the police were looking for Charley and his green van based upon a tip. App. 151, l. 18 – 153, l. 9. When the 911 call came, police officer Jerry Grenier ("Grenier") was on patrol and answered the call. App. 296, l. 1 – 297, l. 17. On the way to the call, he noticed a minivan parked on the side of the road. App. 297, l. 18 – 299, l. 13. Grenier and his partner checked the van and called Officer Brett Long ("Long") to ask him to watch the vehicle for them so they could respond to the scene of the shooting. App. 297, l. 18 – 299, l. 13.

Long asserted he found a green colored minivan by the side of the road. App. 323, ll. 5 – 11. Long testified that a person who "undoubtedly was laying in the ditch beside the van" stood

up and faced him. App. 324, ll. 14 – 18. Long claimed the person then got into the passenger side of the van and it slowly drove away. App. 324, l. 14 – 325, l. 17. Long and other officers stopped the van. App. 325, ll. 18 – 25. The police identified Petitioner as driving the van and Charley on the passenger side. App. 326, l. 23 – 327, l. 8.

Charley testified during trial on behalf of Petitioner. App. 576, ll. 1 – 10. On direct-examination, Charley testified that he told Petitioner he would pay him to drive Charley and a man named Rico that night. App. 584, l. 5 – 585, l. 11. Charley told appellant he was "going to see some girls." App. 585, ll. 23 – 25. Charley never told appellant anything about a shooting, or guns, or his dispute with Young. App. 586, ll. 1 – 13.

While appellant waited in the van, Charley and Rico went to Young's trailer. App. 590, l. 3 – 591, l. 7. Charley heard Young shout and saw Young open the door of the trailer and fire two shots. App. 591, l. 14 – 19 R. 592, l. 6. Charley fired one shot before his gun jammed. App. 592, ll. 9 – 21. Charley then ran away while his companion, Rico, shot at the trailer. App. 592, l. 17 – 18. When Charley got back to the van, Appellant was still in the van and the police pulled up "within five seconds." App. 593, ll. 16 – 23.

On cross-examination, the solicitor confronted Charley with the fact that he had already pled guilty but had not yet been sentenced. App. 601, l. 21 – 604, l. 14. Charley responded that he believed he was going to receive a sentence of eight years. App. 604, ll. 4 – 6. The solicitor accused Charley of "double-crossing the State" in his agreement to testify against Petitioner. App. 604, ll. 15 – 19.

Only after the solicitor's accusations of a double-cross and mentioning his plea deal did Charley recant his direct-examination testimony and implicate Petitioner in the shooting. App. 605, ll. 13 – 631, l. 24. Under intense questioning from the solicitor, Charley claimed appellant

was with him at the scene of the shooting, but that "Rico" was the one firing the weapon before recanting again and implicating Petitioner as the main shooter. App. 605, l. 13 – 611, l. 25. Charley claimed Petitioner fired a weapon but did not know the direction that appellant fired. App. 618, ll. 9 – 13. When shown a picture of the trailer, Charley explained that the bullet holes could have come from inside the trailer due to Young's firing his own weapon. App. 627, ll. 4 – 21.

The jury was presented with a version of facts that exonerated Petitioner. The jury was also presented with a confusing version of what intent existed for those approaching the trailer and the sequence of events leading up to the shooting. This Court in its King opinion noted the conflicting nature of the testimony regarding King's intent to kill, including the presence of only a single shell casing in the vehicle when the testimony indicated an ongoing foot chase down the street with multiple shots fired. State v. King, 412 S.C. 403, 416–17, 772 S.E.2d 189, 196 (Ct. App. 2015) (finding it "highly unlikely King could have robbed and shot Brown in the cab, chased him down Carlton Street while shooting at him, and then retrieved all the shell casings in the dark before Officer Butler arrived."). Due to the conflicting nature of the evidence, this Court and the Supreme Court in King rejected the harmless error argument and remanded for a new trial on the attempted murder charge with the proper specific intent charge. The same confused factual accounts and credibility facts are present in this case and support a finding of prejudice due to the failure of the jury to be instructed on specific intent.

As noted by our Supreme Court:

> The highest possible mental state for criminal attempt, specific intent, is necessary because criminal attempt focuses on the dangerousness of the actor, not the act." 22 C.J.S. *Criminal Law: Substantive Principles* § 156, at 221-22 (2016). Thus, '[a]s the crime of attempt is commonly regarded as a specific intent crime and as it is logically impossible to attempt an unintended result, prosecutions are generally not maintainable for attempts to commit general intent

> crimes, such as criminal recklessness, attempted felony murder, or attempted manslaughter.' Id.

State v. King, 422 S.C. 47, 56, 810 S.E.2d 18, 22–23 (2017). Here, the jury was not instructed that it was required to find Petitioner approached the trailer with the specific intent to murder someone inside. In contrast, the lower court wrongly instructed the jury that a "specific intent to kill is not an element of attempted murder, but there must be some general intent to commit serious bodily injury." App. 703, ll. 22 – 24.

The prejudicial impact of this erroneous charge was magnified by the fact that charging attempted murder as a general intent crime also allowed the concept of transferred intent to be charged:

> It is well-settled in South Carolina that the doctrine of transferred intent applies to general-intent crimes. *See*, *e.g.*, State v. Fennell, 340 S.C. 266, 271–73, 275–76, 531 S.E.2d 512, 515–16, 517 (2000); State v. Heyward, 197 S.C. 371, 376–77, 15 S.E.2d 669, 672 (1941). We therefore find no error in the trial court instructing the jury regarding the applicability of transferred intent to a 'general-intent' crime.

State v. Williams, 427 S.C. 148, 157–58, 829 S.E.2d 702, 706–07 (2019).

The failure of trial counsel to object to the general intent charge allowed the jury to improperly consider transferred intent. App. 700, ll. 13 – 25. "Petitioner's attempted murder case was tried, without objection, as a general-intent crime, and that unappealed ruling has become the law of the case. Because it is well-established in our state that transferred intent applies to general-intent crimes, we find no error in the trial court's decision to charge the jury on the doctrine of transferred intent." Williams, 427 S.C. at 158, 829 S.E.2d at 707.

This Court has held transferred intent does not apply to attempted murder.

> After considering South Carolina jurisprudence, as well as that from other jurisdictions, we conclude the circuit court erred in charging transferred intent as to the attempted murder charge. To support that

> charge, the State must demonstrate Geter attempted to kill Stone, and that was not the State's theory of the case. So long as attempted murder is a specific intent crime, transferring the intent to kill does not satisfy the necessary mens rea to convict a defendant of the attempted murder of an unintended victim.

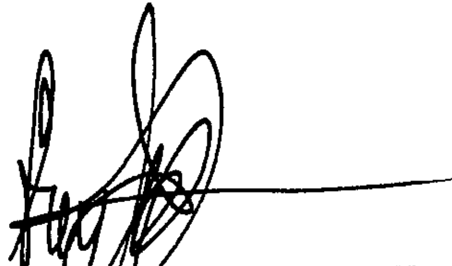
State v. Geter, 434 S.C. 557, 567–68, 864 S.E.2d 569, 574–75 (Ct. App. 2021).[3] While the Supreme Court has yet to address this issue, in the present case, allowing the combined charge of general intent and transferred intent weighs in favor of finding prejudice.

As the Supreme Court noted on direct appeal in this case regarding the changing stories and whether a lesser included offense was appropriate: "Charley later recanted two of the three versions of events surrounding Petitioner's involvement. However, given that we must view the evidence in the light most favorable to Petitioner [on the lesser included offense standard], we cannot discount these versions despite Charley's credibility issues." State v. Williams, 427 S.C. 148, fn. 7, 829 S.E.2d 702, fn. 7 (2019). In the same manner, this Court should not discount the version of events that exonerated Petitioner in its prejudice review.

[3] The Supreme Court granted certiorari in State v. Geter on September 7, 2022, and oral arguments were held on September 13, 2023, but no decision has been rendered as of the date of this filing.

CONCLUSION

Based on the foregoing argument, Petitioner respectfully requests this Court reverse the PCR court, and remand Petitioner's case to the Saluda County Court of General Sessions for a new trial.



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This 9th day of May, 2024.

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May 09 2024
SC Court of Appeals

STATE OF SOUTH CAROLINA

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Honorable Debra R. McCaslin, Circuit Court Judge

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V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2021-000783

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Brief of Petitioner in the above-referenced case has been served upon Donald J. Zelenka, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Gerald R. Williams, #279073, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 9th day of May, 2024.

Gary H. Johnson
Appellate Defender

ATTORNEY FOR PETITIONER

From:	Warren, Kaylynn
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Date:	Thursday, May 9, 2024 1:53:00 PM
Attachments:	2021-00783 Gerald R. Williams v. The State Brief of Petitioner.pdf

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Good Afternoon,

Attached for filing in the above-referenced case is the Brief of Petitioner which will be filed today, May 9, 2024, with the Court of Appeals via email filing.

Respectfully,
Kaylynn

Kaylynn Warren
Administrative Assistant
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