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S.C. SUPREME COURT

Petition for a Writ of Certiorari
To The Court of Appeals

The STATE OF SOUTH CAROLINA

In the Supreme Court

Appeal from Horry County
Court of General Sessions

Michael G. Nettles, Circuit Court Judge

Opinion NO. 2024-UP-166

Alan McCory Wilson, as personal Representative

Quatas Tenrette, petitioner

Petition for a Writ of Certiorari

Quatas Tenrette

Kershaw Correctional Instit.

4848 Gold Mine Hwy

Kershaw, SC 29067

Attorney for petitioner

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Attorney for Respondent

Certificate of Counsel

Counsel for petitioner certifies that the petition
for rehearing was made and finally ruled on by the
Court of Appeals May, 8, 2024

Questions Presented

Did Court of appeal err by affirming the Judgment of the Circuit Court and not dismissing case because of direct appeal on Motion and Court records.

Statement of Case

Whether the Court of appeals erred by refusing to grant a reversal of sentence because the lower Court let evidence in that doesn't match what crime scene and investigators discovered.

Arguments

1. State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000). Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt. Id. Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial Judge to direct a verdict of acquittal is not error.
2. State v. Hepburn 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013) If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court's denial of the directed verdict motion. Hepburn 406 S.C. at 429, 753 S.E.2d at 409.

Conclusion

For the reasons stated petitioner asks the court to grant the petition for a writ of certiorari.

Certificate of Counsel

Counsel for petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals May, 8, 2024

Questions Presented

1. Whether the trial court erred by refusing to grant a directed verdict because the state failed to present substantial circumstantial evidence that petitioner was guilty of involuntary manslaughter
2. State v. Adkins 353 S.C. 312 Abuse of discretion arises from an error of law or a factual conclusion that is without evidentiary support

STATEMENT OF THE CASE

During the November 2018 term, the horry County Grand Jury indicted petitioner for murder, R. 281-284. On September 20-21 2021, petitioner proceeded to trial before the honorable Micheal G. Nettles, and a Jury. R. 2 Jonathon M Hiller and Eric Fox represented petitioner. Id Joshua D. Holford and Seth A. Oskin represented the state. Id The Jury found petitioner guilty of the lesser included offense of involuntary manslaughter, R. 269, 11. 3-10, Judge Nettles sentenced petitioner to twenty-five years imprisonment with credit for 1,344 days time served. R. 279, 11. 1-19 This petition follows for a writ of Certiorari

Arguments

1. State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000). Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt. Id. Unless there is a total

failure of competent evidence as to the charges alleged,
refusal by the trial Judge to direct a verdict of acquittal
is not error

2. State v. Hepburn 406, S.C. 416, 429, 753 S.E.2d 402, 409 (2013)

If the state failed to present any direct evidence or any
substantial circumstantial evidence reasonably tending to prove
guilt of the accused, the appellate Court must reverse the
lower courts denial of the directed verdict motion Hepburn
406 S.C. at 429, 753 S.E.2d at 409

Con elision

For the reasons stated petitioner asks the Court
to grant the petition for a writ of certiorari

Respectfully submitted,

/s/ Quatase Terrette

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May, 29, 2024

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