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SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
The Honorable Walton J. McLeod, IV, Circuit Court Judge
Appellant Case No. 2023-000139

THE STATE, RESPONDENT,

v.

BRADLEY W. WALKER APPELLANT

INITIAL BRIEF OF RESPONDENT

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APPELLANT'S STATEMENT OF ISSUE ON APPEAL

1. Whether the trial court reversibly erred by admitting body cam footage of the bloody gunshot victim at the crime scene where the injuries were already established in-depth by other testimony, and where the fact that person was shot was not contested issue at trial?

RESPONDENT'S COUNTER-STATEMENT OF ISSUE ON APPEAL

1. Did the trial court err in allowing body-cam footage of the victim into evidence when the footage revealed the amount of malice that existed, revealed the extent of the victim's injuries; thereby, refuting the defense's claim that they were self-inflicted, and corroborating the testimony of both the victim, and EMS personal as to the victim's injuries that was inflicted by the Appellant?
2. Since there was sufficient evidence of the Appellant's guilt beyond a reasonable doubt, and there was no claim of error regarding the offense of murder in which he received the longest sentence, if there was any error committed by the trial court can this error be considered harmless?

STATEMENT OF THE CASE

On October 8, 2018, Bradley Wayne Walker (Appellant) was arrested for the offenses of murder and three counts of attempted murder. He was accused of murdering Aaron Peterson (Aaron) and the attempted murder of his wife Elizabeth (Lyz), son Keith, and friend David Hawkins (David). On August 5, 2019, the Petitioner was indicted by the Lexington County Grand Jury for murder (Indictment No. 19-GS-32-02881), and three counts of attempted murder (Indictment No. 19-GS-32-02883, 2883, 2884)

On January 9, 2023, case was called for trial before the Honorable Walton J. McLeod, IV. Present with the Appellant his counsel Debra B. Moore. Representing the State of South Carolina were Assistant Solicitors Sutania A. Puller and Robert L. McNair of the Eleventh Circuit Solicitor's Office. After five days of testimony the Appellant was found guilty by a jury of his peers of murder and three counts of attempted murder. (T. p. 827 l. 18-24; p. 827 l. 25 – p. 828 l. 2; p. 828 l. 3-5). After the reading of the verdict Appellant appeared before the trial court for sentencing. Appellant was sentenced to a forty-five (45) year period of incarceration for the offense of murder, thirty years for each offense of attempted murder. (T. p. 849 l. 9-15). These sentences were to be served concurrently.

STATEMENT OF FACTS

Victim Lyz Peterson married here husband Aaron in 2009 and during this marriage they had a son Keith in 2015. (T. p. 221 l. 23-24; p. 222 l. 2-3) During this marriage their had issues and in an attempt to alleviate problems they decided to involve other people into their relationship. (T. p. 225 l. 1-4). Lyz met the Appellant in May of 2018 on a dating app for couples who wished to allow another person into their relationship called 3 FUN. (T. p. 225 l. 13-15; p. 225 l. 19-21). Aaron was always aware of any contact between Lyz and Appellant (T. p. 226 l. 1-2). Lyz explained to the Appellant that this would be an equal partnership between all that were involved. They were going to be together as a single family. (T. p. 226 l. 16-18). At the time, Appellant was living in Hickory North Carolina, but he seemed fine with the arrangement. (T. p. 226 l. 21-22; p. 226 l. 23 – p. 227 l. 2).

Appellant pushed forward telling Lyz and Aaron that he wanted to move in with them because his lease was up on his apartment. Although things were moving quicker than what Lyz and Aaron wanted they agreed. (T. p. 228 l. 14-18) The Appellant moved in with them at the end of May or June. (T. p. 227 l. 6-7). During their relationship the Appellant wanted more with Lyz than they initially agreed. (T. p. 230 l. 17-20). Even to the point Appellant asked Lyz that if something ever happened to Aaron would she be willing to be monogamous with him. (T. p. 231 l. 8-9). Lyz told him that if they were on good terms "why not." (T. p. 231 l. 8-12). During the time the Appellant was living with Lyz and Aaron he would make sure that he and Lyz would not see Aaron, or he would give Keith to Aaron in an attempt to take Lyz somewhere in order for them to be alone. (T. p. 232 l. 15-19). The Appellant even brought in a married woman that the tried to get into the relationship. Lyz and Aaron explained to Appellant this was not part of the deal this is not what they wanted. (T. p. 233 l. 1-5). Aaron, becoming aware of Appellant's wish to have Lyz more

himself, suggested to Lyz that they start pulling away. (T. p. 233 l. 20-21). Aaron and Lyz ultimately decided that they break apart from the Appellant. (T. p. 233 l. 23-24).

Lyz told Appellant that she was miserable and she thinks that he should start figuring out which way he wanted to go from there. (T. p. 234 l. 12-15). Aaron told Appellant that he had until the end of August get his financial situation together, because they were moving on without him. (T. p. 234 l. 19-21). At that time the Appellant seemed not to completely grasp the situation. (T. p. 235 l. 15-17). During this time is when she met the other victim David Hawkins (T. p. 235 l. 18-21). Lyz and David starting about having a relationship along with Aaron about a month before the incident. (T. p. 236 l. 6-9; l. 15-18). Lyz and Aaron were moving to a new apartment and they asked David to help. (T. p. 239 l. 13-14). There were no plans for the Appellant to be there because he told them he had to work on that day. (T. p. 241 l. 17).

On June 23, 2018, the incident date Lyz, Aaron and David decided to go get the U-Haul while Aaron took the U-Haul back to the house Lyz and David started visited liquor stores to get boxes. While visiting these liquor stores Lyz got a text from Aaron telling them that the Appellant was on his way to the house. (T. p. 242 l. 15-17). When Lyz and David at the trailer, the U-Haul was in the yard packed with boxes. (T. p. 244 l. 6-7). Lyz was tired so she fell asleep on the couch with Keith lying on her chest. (T. p. 245 l. 15-16). At that time the Appellant entered the house, Aaron and David were in the bedroom they were about to attempt to move a big filing cabinet that was also a safe. (T. p. 146 l. 11-12). There backs were turned to the door the Appellant shot Aaron in the back and David in the arm. (T. p. 146 l. 21-24; p. 147 l. 9-12).

These shots woke Lyz. She looked down the hallway and saw Appellant standing over Aaron shooting him three more times. (T. p. 245 l. 21-23). Lyz screamed, Appellant walked down the hallway towards her as she attempted to get her gun out of her purse. While attempting to

retrieve her weapon Appellant approached her and shot Lyz in the face. (T. p. 245 l. 23 – p. 246 l. 7). Appellant then went back into the bedroom where David was lying. Pointing the gun at David, Appellant pulled the trigger, however, the gun was empty. Appellant then ran out of the house. (T. p. 148 l. 14-18). Since David and Aaron cell phones were dead, David went into the car, grabbed Lyz's phone, and called 911.

The first law enforcement officer to respond was Deputy Ben Treaster of the Lexington County Sheriff's Department. As Deputy Treaster entered the trailer he first saw David and Keith. David was shot in the arm and Keith was also bleeding, Deputy Treaster told David to take Keith outside. (T. p. 64 l. 24 – p. 65 l. 4). Deputy Treaster walked further into the house where he found Lyz in the bedroom covered in blood. (T. p. 65 l. 25 – p. 66 l. 9). He saw that Lyz was shot in the face with blood all over her face and not able to speak very well. (T. p. 66 l. 12-15). Deputy Treaster asked her "who shot you?" with a ver gurgled voice Lyz said "Brad." Making sure he heard her correctly Deputy Treaster asked "Brad?" Lyz shook her head yes. (T. p. 67 l. 9-11). Deputy Treaster asked Lyz if she knew his last name, she moved her fingers in a walking motion, Deputy Treaster asked her if his last name was "Walker?" Lyz shook her head yes. (T. p. 67 l. 13-16). Deputy Treaster then told Lyz to continue to apply pressure to her face, he went out to talk to David. (T. p. 67 l. 21-24).

David told him he came to the house to help Lyz and Aaron move, and Appellant showed up at some point. (T. p. 69 l. 1-4). David did not know Appellant, they had just met that day. (T. P. 69 l. 4-5). David gave Deputy Treaster a physical description of Appellant, and his gold Toyota Prius. (T. p. 69 l. 5-10). Deputy Treaster then placed a "be on the lookout" (BOLO) for all the surrounding law enforcement agencies. (T. p. 69 l. 13-14). Deputy Jeff Miller later arrived and spoke to David and Keith. He asked David who shot him and he immediately told him it was the

Appellant. (T. p. 82 l. 13-14). Deputy Miller then spoke to three year old Keith. He asked him "who hurt mommy and daddy?" Keith told him "Brad, big bang, hurt mommy, Brad, big bang, hurt daddy." (T. p. 81 l. 9-12). While on the scene they received a call with information that a Toyota Prius was currently on fire. (T. p. 85 l. 4).

When deputies got to the scene they saw that the vehicle, they saw vehicle that matched the description of the one given by Lyz and David. They were able to obtain part of the license plate, it was a North Carolina plate. (T. p. 86 l. 21-24; p. 87 l. 25 – p. 88 l. 1). While investigating the vehicle fire they got another call of a burned man knocking on someone's door. (T. p. 85 l. 11-13).When deputies got to the house, they found Appellant naked, only with his socks, with a blanket over his shoulders. Appellant smelled of gasoline and he had a look of shock. (T. p. 87 l. 10-15). They asked Appellant his name and he refused to answer. They also asked him what happened and he refused to answer that question also. (T. p. 87 l. 20-23). Appellant was then taken to the Augusta Burn Center. He was later released and arrested on October 8, 2018. (T. p. 89 l. 1-2; p. 89 l. 19-22).

During trial Lyz testified that she knew that the Appellant owned a .40 caliber handgun because she used to clean it for him. (T. p. 254 l. 5-6). She actually cleaned it a week before the incident. (T. p. 254 l. 15-16). Lyz had also accompanied Appellant when he bought ammunition. (T. p. 254 l. 20-23). Lyz's mother Janet Long also testified that after the incident she went to clean out the apartment where Lyz once lived with Appellant. In the closet she found a shoe box, she gave the shoe box to law enforcement. (T. p. 335 l. 22).

Deputy Thomas Alvin Smith crime scene investigator for the Lexington County Sheriff's Department also testified. He stated that he arrived at the crime scene and by the diameter of the projectiles in the wall and the expended cartridge casings found at the scene, the only gun used in

the incident was a Smith & Wesson .40 caliber. (T. p. 352 l. 22 – p. 353 l. 1). They never actually found the murder weapon. (T. p. 401 l. 1-4). Deputy Smith also testified that he was provided a shoe box and inside contained: firearm related prarphernaila including a gun box, ammunition and a gun magazine. (T. p. 401 l. 19-23). Deputy Smith testified that the gun box had a weapon's serial number. From that number he traced the gun to a pawn shop in Hickory North Carolina where it had been by a Jordan Brown. (T. p. 402 l. 16-21; p. 403 l. 8-9). During trial, Agent Michele Eichenmiller with the South Carolina Law Enforcement Division (SLED) also testified. She was found qualified as an expert in the field of firearm identification. (T. p. 460). Agent Eichenmiller testified that the cartridges were all fired by one .40 caliber firearm. (T. p. 466 l. 13-16; p. 466 l. 19). She stated that the bullet removed from the victim's head was consistent with a .40 caliber Smith & Wesson or a 10 millimeter. All the bullets found near the victims body were also from a .40 caliber Smith & Wesson or 10 millimeter. Agent Eichenmiller testified that the fired cartridge case found at the crime scene and the fired cartridge cases from the gun box came from the same gun. (T. p. 484 l. 2-6).

Deputy Brannon Marthers also testified that on the Appellant's Facebook account listed Jordan Brown as a friend. (T. p. 538 l. 4-6). Appellant also posted on his Facebook account a pictur of a Smith & Wesson .40 caliber weapon with the message "that's the gun I have it shoots really well is very loud." (T. p. 542 l. 19 – p. 543 l. 1; p. 543 l. 4-10).

Forensic Pathologist Dr. Janice Edwards Ross also testified. Dr. Ross was found qualified as an expert in the field of forensic pathology. (T. p. 435 l. 20-23). Dr. Ross performed the autopsy on Aaron on July 25, 2018. (T. p. 436 l. 19-23). She testified that Aaron was shot four times. The first shot was under his right ear going left upwards into his brain and the bullet is found in the front skull behind his left eye. (T. p. 440 l. 17-21). The next shot was just a graze. (T. p. 441 l. 20-

23). Shot number 3 when into the back of his right shoulder and came out of the top of his shoulder. (T. p. 442 l. 3-7). The other shot went into his left back into his chest through the left lung through the aorta, through the sternum and out around the right clavicle. (T. p. 442 l. 15-20). Dr. Ross determined that Aaron was probably in a standing while shot except for the head shot. (T. p. 444 l. 6-8).

ARGUMENTS

1. **The trial court did not err in allowing body cam footage of the victim's injuries into evidence where it proved malice, and cooroborated the testimony of both victim's as to the victim's injuries were done at the hand of the Appellant; therefore, the probative value outweighed any prejudicial effect.**

Relevant Facts

During the trial, the State requested that Exhibit's number 79, 80 and 81 be allowed to enter into evidence. These were the body camera footage of Lyz being treated by EMS and being placed into the ambulance to be transported to the hospital. Appellant's trial counsel first objected to that portion coming in on the basis that the entire body camera footage should be allowed into evidence. (T. p. 282 l. 23 – p. 283 l. 1). Trial counsel later objected alleging that the portion of footage was unduly prejudicial. The State argued that this footage was relevant to actually reveal the condition as Lyz was found by EMS. (T. p. 291 l. 19-21). This footage also added to credibility to David and Lyz, since the defense was that there is a conspiracy between them to collect insurance money. The Appellant alleges that Lyz killed her husband and then shot herself or had David shoot her. (T. p. 291 l. 25 l. 292 l. 2). The trial court ruled that he did not think that this footage raised to the level of prejudice and its probative value outweighed any prejudicial effect. The trial court allowed the footage into evidence.

Standard of Review

In criminal cases, the appellate court sits to review errors of law only. *State v. Wilson,* 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). The materiality, relevance and admissibility of evidence are within the sound discretion of the trial court and will not be disturbed on appeal absent an abuse of discretion. *State v. Rosemond,* 335 S.C. 593 , 596, 518 S.E.2d 588, 589 (1999). An abuse of discretion occurs when the conclusions of the trial court lack evidentiary support or are controlled by an error of law. *State v. Anderson,* 386 S.C. 120, 126, 687 S.E.2d 35, 38 (2009). A trial judge's decision regarding the comparative probative value and prejudicial effect of evidence should be reversed only in exceptional circumstances. *State v. Collins,* 409 S.C. 524, 763 S.E.2d 22, 28 (2014). The relevancy, materiality, and admissibility of photographs as evidence are matters left to the sound discretion of the trial court. *State v. Nance,* 320 S.C. 501, 508, 466 S.E.2d 349, 353 (1996). If offered photograph serves to corroborate testimony, it is not an abuse of discretion to admit it. *Id.* A trial judge's decision regarding comparative probative value and prejudicial effect of evidence should be reversed only in exceptional circumstances. *State v. Lyles,* 379 S.C. 328, 338, 665 S.E.2d 201, 207 (Ct. App. 2008)(internal quotation marks omitted).

Discussion

Appellant contest exhibits number 79, 80, and 81 body cam footage of the victim as she was seen by the EMS workers and while she was taken to the ambulance. The Appellant argues that this evidence's prejudicial effect overweighed any probative, and was admitted into evidence in violation of Rule 403 of the South Carolina Rules of Evidence.

To constitute *unfair* prejudice, the photographs must create a "tendency to suggest a decision on an improper basis, commonly, though not necessarily, an emotional one." *State v. Kelley,* 319 S.C. 173, 178, 460 S.E.2d 368, 370-371 (1995), *quoting, State v. Alexander,* 303 S.C.

377, 401 S.E.2d 146, 149 (1991)(emphasis added). The evaluation of probative value cannot be made in the abstract, but should be made in the practical context of the issues at stake in the trial of each case. *State v. Gray,* 408 S.C. 601, 610, 795 S.E.2d 160, 165 (Ct. App. 2014). Here the Appellant argues that Lyz and David were in some type of conspiracy in order to obtain insurance money. It was imperative for the jury to see Lyz's injuries not only to witness the brutality of this event to reveals the impossiblility that someone would do this to themselves, but to corroborate the testimony of both Lyz and David who the Appellant place their credibility into question.

The Appellant was accused of attempted murder of Lyz. In order to prove attempted murder the State must prove that there was a intent to kill with malice aforethought and this intent can be either expressed or implied.[1] In the South Carolina Supreme Court case of *State v. King* the Supreme Court decided:

> Attempted murder would require the specific intent to kill, and specific intent means that the defendant consciously intended the completion of acts comprising of the [attempted] offense.

State v. King, 422 S.C. 47, 56, 810 S.E.2d 18, 22 (2017).

So, it was important that the jury see these injuries in order to make a determination of the intent to kill and also the malice that was involved. Two element that must be proven by the State beyond a reasonable doubt in order to get a conviction for attempted murder.

Lyz was shot in the face with a .40 caliber handgun, it is a miracle that she survived. It was important for the jury to see this brutality, First they saw that there is no conceivable way a person would ask someone to do that to them intentionally for insurance money. However the level of brutality can also be considered when making a determination of malice. Malice is defined as, "ill

[1] 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. §16-2-29 (2010).

will, hostility towards another person… an intent to inflict injury or under circumstances that the law will infer an evil intent… Malice can be inferred from conduct showing a total disregard for human life." *See, State v. Jones,* 86 S.C. 17, 19-20, 67 S.E. 160, 162 (1910)(approving charge that "[m]alice . . . may be implied from brutal conduct on the part of the person committing the crime…").

The defense of the Appellant called into question the credibility of both Lyz and David. It was necessary for these videos to be shown before the jury for them to review Lyz's injuries to corroborate the testimony of what Lyz and David saw regarding her injuries revealing that this was not any conspiracy but an attempted murder. Consequently, there were discrete and necessary reasons to submit the photographs, namely the corroborative value. *State v. Torres,* 390 S.C. 618, 623, 703 S.E.2d 226, 229 (2010). (If the offered photograph serves to corroborate testimony, it is not an abuse of discretion to admit it.), *quoting, Nance,* 320 S.C. at 508, 466 S.E.2d at 353; *State v. Martucci,* 380 S.C. 232, 250, 669 S.E.2d 598, 607 (Ct. App. 2008)(Admitting photographs which serve to corroborate testimony is not an abuse of discretion.).

The Appellant argues that there was never a challenge as to whether or not Lyz was shot, but that he was not at the incident location but when the incident occurred. The proper question for determining relevance was whether the photographs had "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Rule 401 SCRE. "[A] defendant cannot dictate the manner in which the prosecution tries its case by stipulating to certain facts or by not challenging an element of the offense," and "the prosecution's burden to prove every element of the crime is not relieved by the defendant's tactical decision not to contest an essential element of the offense." *See, Estelle v. McGuire,* 502 U.S. 62, 69 (1991); *Martucci,* 380 S.C. at 249, 669 S.E.2d at 607,

citing, State v. Johnson, 338 S.C. 114, 122, 525 S.E.2d 519, 523 (2000)(The State has the right to prove every element of the crime charged and is not obligated to rely upon a defendant's stipulation.) The prime elements for attempted murder are that there is an intent to kill, and there is malice. These videos reveal that there was an intent to kill as by the shooting the victim in the face, and the malice that was involved is revealed by the sheer brutality that was involved that was revealed in the victims injuries, that could not have possibly been self-inflicted.

The Appellant also argues that due to the videos' gruesomeness they are prejudicial beyond any probative value that they may have. It has long been established that, "[a] trial judge is not required to exclude relevant evidence merely because it is unpleasant or offensive." *Martucci,* 380 S.C. at 250, 669 S.E.2d at 607. *See also, Ferris v. State,* 328 So.2d 640, 641 (Ala.Crim.App. 1976). Simply, gruesomeness alone does not render the photograph inadmissible. *Collins,* 409 S.C. at 535-36, 763 S.E.2d at 28.

The State would further argue that unlike other recent cases that the Supreme Court ruled that photographs were not admissible this case does not pertain to a murder and autopsy photos. *State v. Jones,* 440 S.C. 214, 891 S.E.2d 347 (2023)(autopsy photographs of children victims decomposing bodies were not of probative value, although the error in admitting these photographs was considered harmless.); *State v. Nelson,* 440 S.C. 413, 891 S.E.2d 508 (2023)(Probative value of gruesome autopsy photographs was substantially outweighed by danger of unfair prejudice). These videos were not of a dead corpse but of a live person revealing the injuries that was inflicted upon her by the hands of the Appellant. The injuries were so horrific that they could not have been self-inflicted as the offense accused the victim of doing. The fact these videos corroborate the testimony of Lyz, and David made these videos admissible because their probative value

outweighed any prejudicial effect that they might have caused. As in the South Carolina Court of Appeals case of *State v. Elders* where the court decided:

> "Here we conclude that the trial court did not err by admitting the photograph of Mr. Riggs. The photograph showed the puncture wound to Mr. Riggs' chest, as well as abrasions to the outside of his hand, and therefore corroborated Mr. Riggs' testimony regarding the struggle with Elders and the injuries he sustained as a result. Additionally, because the photograph showed that Mr. Riggs had been stabbed it was relevant to the armed robbery charge in that it tended to demonstrate that elders was armed with a knife or similar weapon on the evening the crimes occurred."

State v. Elders, 386 S.C. 474, 483-84, 688 S.E.2d 857, 862 (2010).

As in *Elders* the video in the present case not only reveals proof to satisfy the elements of malice and an intent to kill, the two essential elements in the crime of attempted murder, but it corroborates the testimony of Lyz and David as to the extent of their injuries. These videos reveal that these injuries could not possibly be self-inflicted as was the defense of the Appellant. Therefore, these videos were admissible, no error occurred in the decision of the trial court.

2. **There was overwhelming evidence of proof beyond a reasonable doubt that the Appellant committed this crime, the admitted videos did not affect the outcome of the trial so any error should be considered harmless.**

<u>Relevant Facts</u>

The Appellant argues that the videos allowed to be introduced as evidence were prejudicial. The State argues that there was sufficient evidence that was revealed to the jury that proves his guilt beyond a reasonable doubt.

All three survivors of this crime Lyz, David, and three year old Keith all told law enforcement that the Appellant committed this crime. The only weapon fired at the scene was a .40 caliber Smith & Wesson handgun. Lyz testified that the Appellant owned a .40 caliber handgun. Law enforcement discovered a Facebook post made by Appellant of him stating that he owned a

.40 caliber Smith & Wesson along with photographs. This firearm was also bought from a pawn shop in the town of Hickory, North Carolina where Appellant lived before comnig to South Carolina. This firearm was purchased by a person that is a friend on Appellant's Facebook account. Appellant also burned his car in a possible attempted to destroy evidence.

The State is not conceding the argument that the video was inadmissible; therefore, no error occurred by the trial court. However, this court decides that the actions of the trial court admitting these videos were done in error, we argue that this error should be considered harmless.

Standard of Review

Error is harmless where it could not reasonably have effected the trial's outcome. *State v. Mitchell,* 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985).

Discussion

In *State v. Young,* 420 S.C. 608, 803 S.E.2d 888 (2017) the Court of Appeals defined the harmless error doctrine. In *Young* it was determined that:

> The harmless error doctrine recognizes the principle that the central purpose of a criminal trial is to decide the factual question of the defendant's guilt or innocence and promotes public respect for the criminal process by focusing on the underlying fairness of the trial rather than on the virtually inevitable presence of immaterial error.

Young, 420 S.C. at 628, 803 S.E.2d at 899, *quoting, Delaware v. VanArsdall,* 475 U.S. 673, 106 S.Ct. 1431 (1986).

Error is harmless only when it could not reasonably have affected the results of the trial. *State v. Charping,* 313 S.C. 147, 437 S.E.2d 88 (1993). The video evidence alone did not prove that the Appellant committed this crime beyond a reasonable doubt. Each of the living victims identified Appellant as the shooter. Forensics revealed that a .40 caliber weapon was used and there was evidence that the Appellant owned a .40 calber handgun at the time of the attempted murder. The Appellant also set fire to his vehicle that same day burning himself in the process. And after

burning his vehicle, Appellant would not tell law enforcement his name or how this occurred. The only logical reason he burned his vehicle and his clothes was to conceal evidence.

There was sufficient testimony and forensics to prove that Appellant committed this crime beyond a reasonable doubt. This evidence proving his guilt had not linked to the video that was admitted. So if there exists any error of law decided by the trial court it did not have any effect on the final outcome of the trial so it should be considered harmless.

The State would further argue that the Petitioner has raised no grounds for appeal regarding his conviction for murder. The murder conviction was the superior conviction and carried the greater sentence. The convictions for attempted murder carried a lesser sentence that is allowed to be served concurrently with the conviction for murder. Any error that was raised by the Appellant concerning the conviction for attempted murder would not effect the murder conviction whatsoever. So this is another reason any error that might have occurred should be considered harmless.

CONCLUSION

Based on the foregoing reasons, the State submits the trial court was correct in allowing into evidence the body cam footage. The Respondent respectfully request the decision of the trial court to be affirmed.

Respectfully submitted,

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