

PETITION FOR A REHEARING FOR A
SENTENCE AFFIRMED BY THE COURT OF APPEALS

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appellate Case No. 2023 – 000255

RECEIVED

NOV 13 2024

SC Court of Appeals

Rishard Lewis Geter,

Appellate,

v.

The State of South Carolina,

Respondent.

PETITION FOR A REHEARING OF APPELLANT

Rishard Lewis Geter appeals, the decision of the Court of Appeals to affirm his conviction for murder, possession of a firearm in commission of a violent crime and aggravated breach of peace without ruling on the trial court's denial of a directed verdict of acquittal. The motion pursuant to *Anders v. California*, should not have been granted, due to a legitimate argument on record supporting Appellant's pro-se brief and appellant counsel's brief supporting the foundation for this case to receive appellate review. The unpublished opinion filed October 23, 2024 was erroneous and this matter should not have been abandoned due to merits existing on record supporting the need for review in this matter.



Rishard L. Geter, Pro-Se.
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

November 7, 2024

Attorney General Alan McCrory Wilson

General Melody Jane Brown

Both of Columbia, for Respondent

Appellate Defender Jessica M. Saxon, of Columbia

Former Attorney for Appellant

TABLE OF CONTENTS

Questions Presented.....p.4

Argument.....p.5

Standard of Review.....p.6

Relevant Facts.....p.7-12

Discussion.....p.13-14

Conclusion.....p.15

Exhibits are the following:

1. Firearms Trace Summary
2. Out of court statement

QUESTIONS PRESENTED

1. Did the court of appeals error in affirming conviction without ruling on the issue regarding the lower court's denial of the Motion for Directed Verdict of Acquittal, due to the issue being raised in the Appellate Brief filed by Appellate Defender Jessica M. Saxon, as well as in the pro-se brief filed by the Appellant?
2. Did the Court of Appeals error in not ruling on the Directed Verdict of Acquittal, due to the trial court's failure to produce substantial circumstantial evidence?

ARGUMENT

1. The Court of Appeals committed error when the decision was made to affirm my conviction for murder, possession of a weapon during the commission of a violent crime, and aggravated breach of peace, without ruling on the motion for a direct verdict which was denied by the trial court. Arguments were raised in briefs by Appellate Defender Jessica M. Saxon and Appellant's pro-se brief submitted to the Court.
2. The trial court erred ⁱⁿ ~~and~~ denying Appellant's Motion for Directed Verdict of Acquittal, where the evidence presented was largely circumstantial and only raised suspicion of guilt.

The record in this matter reveals that the Motion for Directed Verdict of Acquittal was timely, filed during trial:

"Thank you, ^{Your} honor. At this time, the defense will move for directed verdict of not guilty. The evidence that's been presented is somewhat confusing and conflicting. We feel that the jury could not find him guilty of any of the charges against him based on that evidence. Thank you, Your Honor. Tr.tr. p. 319 (Lines 25) – Tr.tr.p.320(Lines 1-5)

As such, the issue is relevant and otherwise preserved for the review by this court, and therefore the Appellant request the opportunity to have the controversy examined and hopefully resolved by this court.

STANDARD OF REVIEW

“When ruling on a motion for a directed verdict, the trial court is concerned with the existence or non-existence of evidence, not its weight.” State v. Passio, 433 S.C. 666, 673, 861 S.E. 2d 785, 789 (Ct. App. 2021) quoting - State v. Hernandez, 382 S.C. 620, 624, 677 S.E. 2d 603, 605 (2009). “A defendant is entitled to a directed verdict when the state fails to produce evidence of the offense charged.” *Id.* “If there is any direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the court must find the case was properly submitted to the jury.” State v. Passio, 433 S.C. 666, 673, 861 S.E. 2d 785, 789 (Ct. App. 2021) quoting State v. Frazier, 386 S.C. 526, 531, 689 S.E. 2d 610 (2010). “When reviewing a denial of a directed verdict, an appellate court views the evidence and all reasonable inferences in the light most favorable to the state.” *Id.*

RELEVANT FACTS

On November 1, 2019 officers with the Spartanburg city Police Department responded to a report of a shooting at 333 Amherst Drive. R.76, 1. 18 – R.77, 1. 14; R.80, 11. 4–6; R.87, 1. 11 – R.88, 1–8. When the officers arrived on the scene they discovered a ^{black male} blackmailed, later identified as Jason Eison, lying face up on the ground next to a black four-door Chevy Impala that was parked along the street. R.80, 11. 10–16; R. 88, 11. 12–17. No other individuals were observed on scene and the first responding officer failed to get an accurate time of arrival. R. 83, 11. 1–6; R. 89, 11. 16–19. Eison was alive when EMS arrived, but he succumbed to his injuries. R. 126, 1. 9 – R. 127, 1.15. His cause of death was determined to be multiple gunshot wounds. R. 290, 1. 11–15.

Although the shooter was never identified, two witnesses testified that on the day of the shooting, several people were in the yard of 333 Amhurst arguing with Eison about him having hit a woman. During the argument a blue Toyota pick up truck pulled up to the location and a thin black male with dreads wearing ball cap who was between 6'2" and 6'4" tall, exited the truck shooting at Eison. R. 157, 1. 10 – R. 160, 1. 25; R. 166, 1. 19–25 R. 175, 1. 21 – R. 176, 1. 18.

The 911 caller testified that the initial call to dispatch was delayed due to her, attempting to call ^{her fiancé & father} prior to actually reporting this crime, and an out of court statement written immediately after the crime, she stated that the shooter was tall with a short haircut, she also stated the shooter left ⁱⁿ and a sedan that was parked out front of 333 Amhurst Dr. (see attached documents.) The 911 caller testified in court that the shooter was tall and lanky with medium length dreads. She could not

remember any significant details about his clothing and stated positively he left the scene in a mid-size sedan. She believed the shooter was holding the gun in his right hand. R. 325, 1. 18 – R. 328, 1.6.

Two witnesses testified that on the day of the shooting appellee received a phone call. Shanice Johnson, a coworker, and former girlfriend of appellant, stated that appellant received the phone call prior to the shooting and was very upset on the phone. She stated she thinks he was upset about someone getting hit. When she picked him up later that evening for work, she stated he was calm and collected. R. 137, 1. 8 – R. 140, 1. 21.

A friend of appellant Erica Gray, testified that appellant had received a phone call while he was at her house between five and 5:30, she stated she ~~got~~ arrived from work around 5:15 and 5:30 prior to the shooting, and that appellant was being loud. She stated that there was nothing unusual about appellant being loud. She could not say if he was upset or not on the phone. R. 147, 1. 6 – R.148, 1. 7; R. 151, 11. 10–15; R. 153, 11. 1–5.

During the investigation police were able to identify and speak with some of the individuals who ~~had~~ ^{had} been in the yard of 333 Amhurst at the time of the shooting. Police spoke with Rodney Nash, Lokia, Gooden, and Kenya Geter. R. 265, 11. 21–25. Lead investigator, Chris Taylor testified that the interviews did not go very well as people did not want to have anything to do with the incident. Initially, no one identified the shooter. However, after multiple interviews Kenya Geter, appellants aunt, told police that appellant was the shooter. R. 266, 11. 2–16. No one else identified appellee as the shooter prior to trial. R. 273, 11. 12–13.

At trial Kenya Geter testify that she had been in a relationship with Eison, but that they were no longer involved at the time of his death. The evening before the incident Eison had stopped by her house during a birthday celebration for her nephew David. She had gotten in Eison's car to speak with him when he suddenly drove off, taking her to a motel. He then had Kenya drive his vehicle and while she was driving, he struck her. R.209, 1.13 –R. 211, 1.6. She confirmed that the argument outside of 333 Amherst the following day was regarding Eison striking her. R.211, 1. 17 – R. 212, 1. 1.

(During trial Rodney Nash also identified the appellant as the shooter. R. 184, 11. 1–15. Based on the testimony of investigator Taylor, it appears that the in court identification by Nash was the first time Nash ever stated appellate was the shooter. R. 274, 11. 6–9)

Kenya testified that during the argument, she heard appellate drive up and then heard gunshots, yet she stated, “I saw him when he did it.” R.217, 11. 1– 24. She testified that appellant was wearing a jacket with cartoon faces on it, blue jeans, and a hoodie mask when he shot Eison. R. 220, 11. 13–18. Kenya admitted that she initially told police she could not identify the shooter. She conceded that she identified the appellant as the shooter because she was concerned that people thought she had something to do with the shooting. R.224, 1.24 – R. 225, 1. 21; R. 226, 1. 21 – R. 227, 1 – 6.

Regarding physical evidence, forensic investigators recovered, six nine mm shell casings from the scene. R. 103–105. Bullet fragments were recovered during the autopsy, but the fragments

were too small to determine what caliber they would have been. R. 106, 1. 21 – R. 107, 1. 11. A search warrant was executed on appellate residence. During the search police recovered a jacket pattern with cartoon faces, various .40 and .45 caliber bullets, and an empty gun box for .40 caliber Glock. R. 107, 1. 22 – R. 109, 1. 22; R. 112, 1. 21 – R. 114, 1. 16. With regards to the .40 caliber Glock gun box the state may have knowingly deceived the court and introduced false evidence during trial by insinuating the possibility that appellant could have destroyed the weapon to avoid prosecution, when the exact whereabouts of the weapon designated to the Glock box bearing the serial number; XEK332 being in the possession of the ATF since the .40 caliber handgun in question was recovered on October 6, 2017. The probative value of this evidence is outweighed by the prejudice because this weapon was seized by federal authorities and could not have been used to harm victim. State v. Salley (S.C. 2012) 389 S.C. 160, 727 S.E.2d.740.

Due to the prosecutors failure to suppress this evidence in a good faith effort to preserve the appellants right to do process and equal protection of the law with respect for the 14th amendment of the United States Constitution the appellant was prejudiced. Presentation of falsified evidence is an automatic reversal when cited ⁱⁿ ~~and~~ post conviction matters. Napue v. Illinois 360 U.S. 264/ 79 S.Ct. 1173/ 3L. Ed.2d 1217. The following statement is submitted from the trial record of this matter;

Q; (solicitor Derrick Bulsa, direct examination of investigator Chris Taylor) Mr. Hall brought up that some other ammunition was found. Remember, what was that?

A. Yes, it was. I think we found .40 caliber ammunition and maybe .45 ammunition. Empty box.

Q. Empty box for what?

A. For a Glock 27, which is .40 caliber.

Q. You didn't find any guns?

A. No.

Q. Didn't find any nine millimeter?

A. No.

Q. Did that surprise you?

A. Not at all.

Q. Why not?

A. With my usual experience, a lot of times we go to a resident with search warrant, we don't find a weapon, we don't find the caliber ammunition we're looking for. Usually people get rid of it. Tr. Tr. P. 267, 23-25 and Tr. Tr. P. 268 lines 1-14.

It is undisputed that the prosecution authored this deception to secure a conviction. There is no remedy or cure for the state's introduction of this evidence.

Four particle lifts were taken from the jacket to test for gunshot residue (GSR): one from the right sleeve, one from the left sleeve, one from the right chest, and one from the left chest. R. 298, 11. 15-24.

The particle lifts were tested for GSR by SLED, forensic scientist, ^{Tyler} Taylor Sturkie. R. 302, 1. 24 – R. 303, 1.- 2; R. 305, 11. 17-22. Agent Sturkie reported that there were four GSR particles found on jacket. One GSR particle was on the right chest of the jacket and three GSR particles were on the left sleeve of jacket. No GSR was found on the right sleeve or left chest of jacket. R. 312, 1. 16 – R. 313, 1. 6.

At the close of the state's case counsel Hall moved for a direct verdict. He argued that the evidence that have been presented was "somewhat confusing and conflicting", and therefore jury^a would not be able to find appellant guilty of the charges. R. 319, 1-25 – R. 320, 1. 5.

The state argued that in the light most favorable to the non-moving party, it had presented sufficient evidence for the case to be submitted to the jury. R. 320, 1. 7 – R. 321, 1. 11. The circuit court denied the directed motion finding the evidence sufficientⁱⁿ and the light most favorable to the state. R. 321, 11. 14-25.

DISCUSSION

“The circuit court should not refuse to grant the directed motion when the evidence merely raises a suspicion that the accused is guilty. Suspicion implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof.” State v. Cherry 361 S.C. 588, 594, 606 S.E.2d 475, 478 (2004). A case should be submitted to the jury when the evidence is circumstantial if there’s any substantial evidence which reasonably tends to prove guilt of the accused or from which his guilt may be fairly and logically deduced. State v. Bostick, 392 S.C.134, 139, 708 S.E.2d.774, 776 (2011) (quoting 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 ~~jury~~ to direct a verdict of a acquittal is not error.” Id. at 139, 708 S.E.2d at 776–777. On appeal of the denial of a directed verdict of acquittal, this court must look at the evidence in the light most favorable to the state. Id. 139, 708 S.E.2d. at 777; see 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 circumstantial evidence reasonably tending to prove guilt of the accused, the appellat court must reverse the lower court’s denial of the direct verdict motion. Hepburn, 406 SC at 416, 429 S.E.2D at 409.

The evidence against the appellee was largely circumstantial and did not reasonably tend to prove he was guilty. Most of the witnesses could only provide a generic description of the shooter as a tall, slender, black male with dreads. There was conflicting testimony about the clothing worn by the shooter and the vehicle that was driven by the shooter to and from the scene. There was testimony that appellant had received a phone call that was upsetting, but also

that he was not upset on the phone call. Further, the limited forensic evidence in the case did not link appellate to the crime. Appellate was not connected to the blue truck, nor was the murder weapon ever located or connected to appellate. The bullets recovered from the appellate's home did not match the bullets recovered from the scene, neither was the Glock .27 .40 caliber gun box bearing the serial number XEK332 relevant evidence due to the prejudicial value. Even the GSR test conducted on appellate jacket did not link him to the shooting in any meaningful manner, as there was not a substantial amount of GSR found, and no GSR found on the right sleeve of the jacket. The state relied primarily upon the testimony of Kenya Geter, as she was the only person to identify appellate as the shooter. Notably, no other witnesses, testified that the shooter was wearing a jacket pattern with cartoon faces or hoodie mask at the time of the shooting.

Additionally, Kenya only identified appellate as the shooter after there was talk that people thought she was involved in the shooting. Her testimony was contradicted by the testimony of the other witnesses and the limited forensic evidence in the case. The evidence the state presented at trial did not reasonably link appellate to the murder of Eison. It, at most, only raised the suspicion that appellate was involved in a shooting. As such, the evidence was insufficient to submit to the jury and the trial court should have granted the directed verdict motion.

CONCLUSION

The Appellate asks this Court to rule on the issue preserved regarding the motion for Direct Verdict of Acquittal and render such judgment to vacate the present convictions of murder, possession of a weapon during the commission of a violent crime and aggravated breach of peace.

Respectfully Submitted,

Rishard L. Geter, Pro-Se.
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

DEPARTMENT OF JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES
NATIONAL TRACING CENTER

Phone:(800) 788-7133 Fax:(800) 578-7223

Print Date: December 06, 2019

FIREARMS TRACE SUMMARY



27 (24)

Trace Number: T20170327433 Request Date: October 06, 2017 Completion Date: December 20, 2018

EDGAR GUTHRO
SPARTANBURG PUBLIC SAFETY DEPT
PO BOX 546 / 142 W. BROAD ST.
SPARTANBURG, SC 29304
PHONE: (864) 596-2009 Ext:
FAX (864) 596-2152

Badge No: 0062
Investigation No: C17100185

FIREARM INFORMATION

Manufacturer: GLOCK GMBH
Model: 27
Caliber: 40
Serial Number: XEK332
Type: PISTOL
Country: AUSTRIA
Importer: GLOCK INC, SMYRNA GA
Obliterated:
Identifying Marks:
Gang Name:

RECOVERY INFORMATION

Recovery Date: 10/05/2017
Time to Crime: 205 days

SPARTANBURG, SC 29306
Possessor:
DOB:
POB:

PURCHASER INFORMATION

ALEXIUS DANIELLE JOHNSON
413 BETHLEHEM DR
SPARTANBURG, SC 29306

DOB: 07/12/1984
POB: SPARTANBURG, SC UNITED STATES
Race: BLACK Height: 5 ft 8 in
Sex: Female Weight: 240 lbs
ID 1: SC DRIVER'S LICENSE: 090531491
ID 2: SOCIAL SECURITY: 8300

Contact the local ATF office for additional information.

ADMINISTRATIVE INFORMATION

DEALER INFORMATION

CASH TODAY PAWN & JEWELRY
1401 ASHEVILLE HWY
SPARTANBURG, SC 29303
Phone: (864) 585-7315 Ship-To-Date: 08/13/2016
Ext:

FFL: 15702573

SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A PURCHASER. FOR ANY QUESTIONS, PLEASE CONTACT ATF NATIONAL TRACING CENTER, FIREARMS TRACING BRANCH AT 1-800-788-7133.

Additional Remarks:

PLEASE DISREGARD THE ORIGINAL TRACE SUMMARY RESULTS. MORE RECENT INFORMATION HAS BEEN OBTAINED.

The information in this report must be validated prior to use in any criminal proceedings.

Supplement Lester C

INVESTIGATIVE SUPPLEMENTAL

5:45PM I was notified by Sgt. Powell of a shooting at 333 Amherst Dr in the city limits of Spartanburg. While in route to the scene, I was advised by Sgt. Powell to stand-by at City Hall due to a witness was in route by uniform patrol to speak with investigators.

6:35pm Myself and Inv. Horn met with the witness, Cassondra Jean Walker, white female, DOB [REDACTED]. She said she witnesses the shooting this afternoon. Ms. Walker says she lives at 331 Amherst Dr with her boyfriend, Brad Vahling, white male, DOB [REDACTED]. She said she has lived at this address since January 2019 and is a 2nd year grad student at Gardener Webb University. Interview was recorded on L3 Audio/Video system.

* I asked her what happened today and she said she was taking a nap around 5:30pm and she woke up to her neighbors yelling. She said she heard 3 gunshots and she got up and looked out her bedroom window. She said she saw two men standing up facing each other and a tall, slender build black male with a short hair cut had a gun in his hand and shot the other man once. She said she ducked down below the window and heard about three more shots. She then stood up and saw the gunman get into a mid-size sedan and drive away. She said there were about two or three other people standing outside during that time, male and female get into there cars and left the scene. Ms. Walker says she then called 911 for the police. She said she doesn't know who the man that was shot is. She believes it maybe her neighbor but wasn't sure because she and her boyfriend stay to themselves. She said she was home alone when this happened. Ms. Walker says both men were black and approx. in their mid 20's. She says the two men were standing beside a blue Nissan which she believes belongs to the victim. I showed her a photo of the possible victim and she said he looks like her neighbor but not sure. Took a written statement from the victim and scanned it into Spillman and logged into evidence.

called her. There was another black female that were with them. She was identified as Brittany, the daughter of Tiffany Smith, the girlfriend of Jason Eison.

At 2115 hours, Sara Kruegger of the Coroner's office came to the Surgery Waiting area and told the group of people that had gathered in the area that the victim was dead from gunshot wounds.

The victim was identified as JASON RASHAUN EISON, a black male, DOB: [REDACTED]

Investigator Nelson and I talked to Tiffany Smith in an area away from the large group that were in Surgery Waiting. Tiffany Smith, (864) [REDACTED] She told us that KENYA GETER contacted her earlier tonight via Facebook Messenger. She stated that Kenya Geter told her that Jason Eison had hit her in the face the night before at a Halloween party. She told her that she didn't want to send the police up to her house (Westview Blvd) and asked her what kind of a car was he driving. We asked Ms. Smith if she knew Ms. Geter. She stated that she did not and does not know how she looks.

We talked to Audrey Eison, the mother of the victim. She was distraught and visibly shaken with the news of her son's death. I told her that I understood that she was overwhelmed by the news of her son, and gave her my business card. I told her that we would be investigating her son's death and that we would be in touch with her. I told her that someone would be in touch with her about victim services that is offered about funeral arrangements and Grief counseling.

We talked Michael Howard the father of the deceased. Mr. Howard lives at [REDACTED] His phone number is (864) [REDACTED]. Mr. Howard stated that he would be handling his son's funeral arrangements. I told him that the body would not be released until after the autopsy.

On 11/4/19 at about 0820 hours, Michael Howard called me and stated that he had made funeral arrangements for his son. Mr. Howard stated that Woodward's funeral home was handling his son's funeral. The funeral is scheduled for Wednesday at 1:00 pm at Mt. Calvary Baptist Church in Whitestone.

At about 1327 hours, Investigator Nelson and I talked to Tiffany Smith in the interview room at city hall. Ms. Smith stated that Kenya Geter messaged her a friend request on Facebook Messenger, Friday (11/1/19) at 11:34 AM. She stated that they both had about forty of the same friends so she accepted her request.

Ms. Smith stated that Kenya Geter stated to her that she was going to sign a warrant on Jason (Eison) for punching her. Ms. Smith stated that she asked Kenya why did Jason hit her. Ms. Smith stated that Kenya said that she was driving his car and she took a wrong turn so he punched her. Ms. Smith stated that Kenya started asking her what kind of car is Jason driving. She stated that she told Kenya since you were driving his car, you should know what kind of car he is driving.

Ms. Smith stated that she got upset about the call between her and Kenya Geter and she started packing Jason's stuff to put him out. She stated that she packed his clothes. She stated that she asked Jason about the incident. She stated that Kenya was riding in his car and he asked her to get out, but she didn't want to, so he opened her door to make her get out. He stated that she punched him and he hit her back.

Ms. Smith stated that several rumors are floating around. She stated that

This was Available in Discovery

The state attempts to cover this up. Please look into this

someone said that she set up Jason to get killed. She stated that someone said that Jason had got charged in Jonesville and he was going around telling on people.

Ms. Smith stated that Jason is from Pacolet and he knows his way around Union, Kelton, Carlisle and other places in the area, because he grew up in that area.

Ms. Smith stated that Kenya told her that she was older than her. Kenya stated that she is 47 years old and has eight children. She stated that Kenya told her that she was going to get a gun if (J-Rock) comes by her house acting crazy.

Tiffany Smith stated that Jason was with Lil David (David Geter) who is Kenya's nephew. She stated that she knows him because she was a couple of grades ahead of him in school. She said that she thinks he is in his forties. She stated that the party was for his birthday because he was born on Halloween (10/31).

Tiffany Smith stated that Lil David has tattoos all over his face and his neck. She stated that he is dark skinned and skinny. She stated that he is on a scooter a lot. She said that she sees him in Park Hills a lot.

At 1450 hours, Investigator Nelson and I went by 371 Amherst Drive to talk to Kenya Geter. We knocked on the door, but no one answered the door. I placed a door hanger on the front door requesting Kenya Geter to call Investigator Nelson or myself.

On 11/5/19 at 0705 hours, I receive a call from ([REDACTED]) Cassandra Walker of 331 Amherst Drive. She stated that she [REDACTED] at the person with the gun had long hair maybe four inches or so. She stated that the person also handled the gun in his right hand.

At 1030 hours, Investigator Nelson and I interviewed Jeana Blackston, a white female, DOB: 07/18/1976 in the interview room at city hall. She stated that her home address is 411 Satterfield Avenue, Spartanburg, SC 29301. Her phone number is (864) 398-8917.

Ms. Blackston was picked up from the College Inn on E. Main Street and brought to city hall. Ms. Blackston stated that her daughter Joyce Gargus was closer to Jason Eison than she was. She stated that she received a call or a text on Friday night about Jason being killed. She stated that she thinks Sebastian Broadus aka Sosa is the person that killed Jason. She stated that Jason and Sebastian because of a drug deal. She stated that Sebastian sold Jason some bad dope and/or the weight was not right.

She describes Sebastian Broadus as a skinny black male, with short hair that stays on Cotton Drive. She stated that he drives different cars and a blue truck with chrome wheels.

Investigator Nelson presented a photo line-up to Jeana Blackston with Broadus in the line-up. She picked photo number six, is the photo of Sebastian Brodus. This interview ended at 1103 hours, no statement was taken from Ms. Blackston.

At 1112 hours, we interviewed Kenya Geter in the Interview Room at city hall. Kenya dated Jason Eison previously. She stated that they dated for about nine months. She stated that she called Tiffany Smith Friday morning. She said that she told Tiffany to tell Jason not to send anyone to her house. She stated that she was going to call the police on him. She stated that Tiffany told her to call the police.

Tiffany Smiths Interview Concluded

Witness Describes Charges Statement Man with Short Hair that had Conflict with Victim

State's Star Witness Questioned about Contact with Victim's Girlfriend

A young guy probably in his early twenties came to her house asking for Jason's phone. She stated that she told him that she didn't have it. She stated that he was a black male that was about 5'7".

Ms. Geter stated that Jason took her to a hotel somewhere up highway #9. She stated that they turned right off the roadway to the right to run down hotel. She stated that Jason sold a white female some crack. She stated that the white female had two kids in the room with her. She stated that she went into the room to use the bathroom and then Jason left there. She stated that she begged some guys to take her home. She stated that she got home about 11:30 PM.

Ms. Geter stated that Jason was punching/hitting her while they were going down the road.

She stated that she heard that Jason was on Meth.

I asked her why did she get into Jason's car. She stated that she wanted to ask him something in private. I asked her what did she want to ask him. She said just to ask him how he is doing. She seemed defensive by her response to the question.

Ms. Geter stated that she is afraid for her children and that she has been staying with her mother and her kids on High Street.

At 1149 hours, I received a call from Latasha Eison. She stated that she received information about who shot her brother, Jason. She stated that Shawn (Lashawn) Miller and Shad Todd or something like that blocked in her brother and shot him. Miller was supposed to be driving the blue toyota truck. Shad Todd was supposed to be driving a white Impala.

On 11/8/19 at 0900 hours, Investigator Nelson and I went to 114 Winfred Circle in Duncan looking for Lashawn Miller. We knocked on the door and rang the door bell. Ronald Anderson, the father of Lashawn Miller answered the door. We identified ourselves. We asked if Lashawn was home. He stated that he was not. I asked him if Lashawn had a blue Toyota truck. He stated that he gave Lashawn a blue Toyota Tundra, but it was still in his name. He stated that he was trying to help his son out. Mr. Anderson asked why did we want to talk to Lashawn. I told him that he was identified at a crime scene and that we needed to talk to him.

Mr. Anderson stated that Lashawn had talked to him the other day about some trouble. Mr. Anderson was emotional and stated that his son was doing better, and that he had a job. He stated that his son had been in a few things but he felt like his son was doing better. Mr. Anderson stated that his son lives with his girlfriend in Spartanburg. He stated that he would get in touch with his son and would have him to come to city hall to meet us. Mr. Anderson stated that he would find him and bring him to city hall, so we can get this straight.

At 1142 hours, Investigator Nelson and I talked to Lashawn Miller, a black male who had on an orange T-shirt with EATON on the front of it, a pair of blue jeans, and a pair of black shoes in the interview room at city hall. Mr. Miller was brought to city hall by his father, Ronald Anderson.

We asked Mr. Miller about his blue Toyota Tundra. Mr. Miller stated his truck had gate tails on the front, chrome steps, Toyota pads, one exhaust pipe, aluminum rims, and regular tires.

We asked him where was his truck. Mr. Miller stated that his vehicle was in

Kenya Geter's interview concluded

PROOF OF SERVICE OF A PETITION FOR REHEARING

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appellate Case No. 2023-000255

RECEIVED
NOV 13 2024
SC Court of Appeals

Rishard Lewis Geter,

Appellate,

v.

The State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the notice of A Petition for a Rehearing on the court of appeals by depositing a copy of it in the United States mail, postage prepaid, on November 7, 2024 addressed to Jenny Abbott, kitchens, clerk of court, P.O. Box 11629, Columbia, SC 29211, Alan McCrory Wilson, P.O. Box 11549 Columbia, SC 29211-1549, and Senior Assistant Deputy Attorney General Melody Jane Brown, Rembert- Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201.

Rishard L. Geter, Pro-Se.
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

Richard Lewis Ceter #311627

Lee CI: Feb-1231

990 Wisacky Highway

Bishopville, S.C. 29010

JWS

South Carolina Court of Appeals

ATTN: Ms. Jenny Abbott Kitching, Clerk

P.O. Box 11629

Columbia, S.C. 29211

RECEIVED

NOV 18 2024

SC Court of Appeals