

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM MOFFET COUNTY

HONORABLE WILLIAM H. SEARS,  
CIRCUIT COURT JUDGE

---

THE STATE,

RESPONDENT,

V.

MARQUIS SHAWN BROWN APPELLANT

APPELLATE CASE NO. 2023-001482

---

**RECEIVED**

JAN 30 2025

SC Court of Appeals

PRO SE APPELLATE

MARQUIS SHAWN BROWN  
LIEBER CORRECTIONAL INST  
P.O. BOX 205  
SIOGEEVILLE SC 29472

# TABLE OF CONTENTS

TABLE OF CONTENTS ...

TABLE OF AUTHORITIES ..

STATEMENT OF ISSUE ON APPEAL ...

STATEMENT OF THE CASE ...

STATEMENT OF FACTS ...

STANDARD OF REVIEW ..

ARGUMENT.

THE TRIAL JUDGE COMMITTED REVERSIBLE ERROR BY ADMITTING A SERIES OF  
LIVE SCENE PHOTOGRAPHS

CONCLUSION

# TABLE OF AUTHORITIES

cases

STATE vs. BACUS

STATE vs. BRADY

STATE vs. WELSON

STATE vs. JONES

STATE vs. WISE

KENTUCKY vs. BRITSON

BRADY vs. MARYLAND

STATE vs. SALTZ

STATE vs. LIVINGSTON

STATE vs. MIZZEL

BECK vs. OHIO

STATE vs. FRAZIER

## Argument

I. THE TRIAL JUDGE COMMITTED REVERSIBLE ERROR BY ADMITTING A SERIES OF CRIME SCENE PHOTOGRAPHS, WHICH GRAPHICALLY DEPICTED THE ACCIDENT'S BODY, WHERE THE PROBATIVE VALUE OF THE EVIDENCE WAS SUBSTANTIALLY OBTWEIGHED BY THE DANGER OF UNFAIR PREJUDICE PURSUANT TO RULE 403, GLEC, AND WHERE THE ONLY PURPOSE OF THE PHOTOGRAPHS WAS TO INFLAME THE PASSIONS OF THE JURY.

II. THE TRIAL JUDGE COMMITTED REVERSIBLE ERROR BY HAVING NO PROBABLE CAUSE TO REJECT THE BLACK JURY. THE REASON GIVEN WAS THAT SHE KNEW MY ATTORNEY'S FATHER SO IT WAS A CONFLICT OF INTEREST. MY ATTORNEY LIFE ISNT OR WASNT ON THE LINE IT'S MINE.

III. THE TRIAL JUDGE COMMITTED REVERSIBLE ERROR BY ALLOWING MR. KANGAS TESTIMONY IN A FORMAT OF A CHAT BOX STYLE OF MESSAGING OR PRESENTATION PRESENTS A CONTINUOUS CONVERSATION. MR. KANGAS WAS ALLOWED TO PRESENT IT AS IF IT WAS RELEVANT TO THE CASE.

## STATEMENT OF THE CASE

A HANCOCK COUNTY GRAND JURY indicted APPELLANT on November 6, 2019 for the OFFENSE OF MURDER, R.332-335. HIS CASE WAS CALLED TO TRIAL ON SEPTEMBER 11, 2023 before the Honorable WILLIAM H. SEARS, JR., and a JURY. R.1. ASSISTANT SOLICITOR MARY-ELLEN WALTER represented the STATE. KIM WILSON represented APPELLANT, R.1

ON SEPTEMBER 13, 2023, the JURY found APPELLANT guilty as indicted. R.319, 11. 12-22. He WAS SENTENCED to life without parole. R.331, 11. 9-11.

THIS PRO SE APPEAL SEeks,

STATEMENT OF FACTS

THIS CASE WAS PICKED UP AND RAN OFF OF A  
FABRICATED STORY, A TALL TALE BY SOMEONE WHO WAS  
ON THE STUN FOR 3 YEARS, AND A MAF, AND SOMEONE  
WHO SERVED TO A SHORT TERM IN PRISON. THE TWO  
INDIVIDUALS WHO HAD A LONG RELATIONSHIP TOGETHER  
WHO WOULD DO ANYTHING, AND SAY ANYTHING TO NOT GET  
CONVICTED.

## STATEMENT OF ISSUE ON APPEAL

1. Did the Trial Judge commit reversible error by admitting a series of crime scene photographs, which graphically depicted the defendant's body, whose probative value of the evidence was substantially outweighed by the danger of unfair prejudice pursuant to Rule 403, GCR, and where the only purpose of the photographs was to inflame the passions of the jury?
2. Did the Trial Judge commit reversible error by allowing prosecutor to violate the equal protection clause which forbids prosecutor from challenging potential jurors solely on account of their race or on the assumption that black jurors as a group will be unable to impartially consider the state's case against a black defendant, and to establish a prima facie case of purposeful discrimination in selection of the petit jury defendant must first show that he is a member of a cognizable racial group, that prosecutor has exercised peremptory challenges to remove from the venire members of the defendant's race and that the facts and any other relevant circumstances raise an inference that the prosecutor uses that practice to exclude the veniremen from the petit jury on account of their race.

3. DID THE TRIAL JUDGE COMMIT REVERSIBLE ERROR BY ADMITTING MR. KANDAS TO PRESENT A CHAT BOX STYLE PRESENTATION ABOUT TEXT MESSAGES THAT ARE UNRELATED TO THE CASE.

## DISCUSSION

The trial judge abused his discretion by admitting state's exhibits nos 3, 5, 6, and 7, which were graphic photographs that showed the decedent's body, since the probative value of the evidence was substantially outweighed by the danger of unfair prejudice pursuant to Rule 403, S.R.C. and the only purpose of the photographs was to inflame the passions of the jury.

As a general rule, all relevant evidence is admissible. Rule 402, S.R.C. "Relevant evidence" means evidence having 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, S.R.C. "Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice..." Rule 403, S.R.C.

"The relevancy, materiality, and admissibility of photographs as evidence are matters left to the sound discretion of the trial court." State v. Collins, 409 S.L. 524, 539, 763 S.E.2d 22, 27 (2014) (quoting State v. Wank, 320 S.C. 501, 502, 466 S.E.2d 349, 353 (1996) (internal quotation marks omitted)). "Photographs should be excluded if they are irrelevant or not necessary to substantiate material facts or conditions." State v. Torres, 390 S.C. 612, 623, 703 S.E.2d 226, 222 (2010) (citing State v. Blazell, 325 S.C. 65, 72, 480 S.E.2d 64, 72 (1997)). "If the offered photograph serves to corroborate testimony, it is not an abuse of discretion to admit it." Collins, 409 S.C. at 534, 763 S.E.2d at 27 (quoting Wank, 320 S.C. at 502, 466

## CONCLUSION

Based on the foregoing argument, Appellant respectfully requests this Court reverse his conviction and sentence and remand for a new trial. I feel that the trial was not fair due to nobody on the stand was apart of my cognitive race. Also the witness was allowed to inflame the jury, and most of all Mr. Kansas was allowed to mislead the jury with a chat box style format of text messages that was unrelated to the case.

MARQUIS BROWN 391998  
LIEBER CORRECTIONAL INSTITUTION  
P.O. BOX 205  
SIOGEMME SC 29472

RECEIVED

JAN 20 2025  
SC Court of Appeals

RECEIVED

JAN 28 2025  
MAIL ROOM  
LIEBER C.I.

LEGSN

South Carolina Court of Appeals  
JERRY ALTON KIRKINGS, Clerk  
Post Office Box 11629  
COLUMBIA, South Carolina 29211