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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Spartanburg County
Honorable J. Derham Cole, Circuit Court Judge

THE STATE OF SOUTH CAROLINA,

Respondent,

vs.

ROBERT TYRELL GENTRY,

Petitioner.

Appellate Case No. 2025-000454

RETURN TO PETITION FOR WRIT OF CERTIORARI

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RESPONDENT'S STATEMENT OF ISSUES ON APPEAL

I.

Sufficient evidence of intent and knowledge was presented for a rational juror to find Petitioner guilty of accessory before the fact to murder because Petitioner provided his codefendant with a firearm under circumstances manifesting a wanton disregard for life.

II.

Sufficient evidence supports the verdict for accessory after the fact to murder because a rational juror could find Petitioner assisted in the disposition of the murder weapon, which belonged to Petitioner, and Petitioner was aware of the murder when he assisted the principal.

STATEMENT OF THE CASE

A Spartanburg County grand jury indicted Petitioner Robert Gentry for accessory before the fact and accessory after the fact to murder. Gentry was tried with his codefendant, Tremaine Pierre Johnson, on June 14-17, 2021, and the jury convicted Gentry as charged. Co-defendant Johnson was convicted of murder. Judge Cole sentenced Gentry to concurrent terms of thirty years' imprisonment for accessory before the fact and fifteen years' imprisonment for accessory after the fact. The court of appeals affirmed Gentry's convictions in an unpublished opinion. State v. Gentry, Op. No. 2025-UP-016 (S.C. Ct. App. filed Jan. 15, 2025).

STATEMENT OF FACTS

The State's case against Gentry centered on the allegation that Gentry provided his co-defendant, Tremaine Johnson, with the handgun with which Johnson murdered his girlfriend, Brechue Wiles (Victim) at a park in Spartanburg. Gentry's contact with Johnson over the course of

two days and their movements shown in cell tower records provided substantial evidence Gentry provided the murder weapon to Johnson and, after the murder, assisted Johnson in hiding the weapon. The facts of this case are laid out in detail in the State's brief to the court of appeals. App.587–599. Pertinent facts will be discussed further in the argument section below.

REASONS WHY THE PETITION SHOULD BE DENIED

A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons. Rule 242(b), SCACR. Rule 242 lists the following factors which guide the Court's decision whether to grant certiorari: (1) whether there are novel questions of law; (2) whether there is a dissent in the decision of the Court of Appeals; (3) whether the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court; (4) whether substantial constitutional issues are directly involved; and (5) whether a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court.

There was no dissenting opinion below, and the opinion is a nonprecedential unpublished opinion. The opinion does not conflict with any of this Court's precedents. No federal or substantial constitutional issues are presented.

As to the first factor, the directed verdict standard is not a novel area of law. Gentry attempts to make his arguments appear novel by arguing that this Court should define the term "substantial" in the context of the directed verdict standard for circumstantial evidence cases. But this Court has clearly defined this standard in numerous opinions. Recently, in State v. Pearson, 415 S.C. 463, 783 S.E.2d 802 (2016), this Court thoroughly explained the applicable law. Under this Court's precedents, evidence is "substantial" for directed verdict purposes if any rational factfinder could find guilt beyond a reasonable doubt. No further clarification is needed. Gentry's argument that the

State's proof has failed if "a not guilty conclusion is possible" is simply inconsistent with this Court's precedents. Petition at 3.

As for the merits of the directed verdict claim, they are not cleanly presented. Gentry takes conflicting stances as to what mens rea the State was required to prove to convict him of accessory before the fact to murder. At trial, Gentry argued there was no evidence "of any knowledge on . . . Mr. Gentry's part that Mr. Johnson was contemplating killing anyone." App.402 (emphasis added). At oral argument below, Gentry argued that knowledge that Johnson was going to commit any crime would be sufficient. Gentry repeats this argument on page 5 of his petition. But on page 11 of his petition, Gentry argues the State was required to prove not only that Gentry knew Johnson was going to commit murder, but that Gentry acted with malice aforethought by aiding Johnson. The State respectfully submits that Gentry has not clearly and consistently articulated his position regarding the mens rea the State was required to prove in this case. As will be discussed in the argument section below, the State disagrees that the State was required to prove Gentry intended to bring about the Victim's death, or that he knew with certainty that Johnson was going to commit murder. But because of Gentry's sometimes vague and shifting arguments, this issue is not cleanly presented for this Court's review. Certiorari should be denied.

ARGUMENT

I.

Sufficient evidence of intent and knowledge was presented for a rational juror to find Petitioner guilty of accessory before the fact to murder because Petitioner provided his codefendant with a firearm under circumstances manifesting a wanton disregard for life.

The trial court correctly denied Gentry's motion for a directed verdict because the State presented evidence from which a rational juror could find Gentry knowingly assisted Johnson by providing him with the gun which he used to kill the victim. The court of appeals correctly affirmed. Certiorari should be denied.

The Directed Verdict Standard

When considering a motion for directed verdict, the trial court is concerned with the existence of evidence, not its weight. State v. Walker, 349 S.C. 49, 53, 562 S.E.2d 313, 315 (2002). In reviewing the denial of a motion for a directed verdict, the reviewing court must view the evidence in the light most favorable to the State. Id. Ultimately, the question is whether, in view of the evidence in the light most favorable to the State, a rational trier of fact could find all the elements beyond a reasonable doubt. State v. Robinson, 310 S.C. 535, 539, 426 S.E.2d 317, 318 (1992) (finding any rational trier of fact could have found all the elements of the crime beyond a reasonable doubt in affirming the denial of a motion for directed verdict and citing Jackson v. Virginia, 443 U.S. 307 (1979)). The task of the trial court is to simply determine "whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt." State v. Bennett, 415 S.C. 232, 781 S.E.2d 352 (2016). The reviewing court should affirm if in viewing the evidence in the light most favorable to the State, "the evidence could induce a reasonable juror to find [the defendant] guilty." See State v. Pearson, 415 S.C. 463, 474, 783 S.E.2d 802, 808 (2016).

The United States Supreme Court noted the following:

[T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. . . . This familiar standard gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts.

Pearson, 415 S.C. at 471 n.2, 783 S.E.2d at 806 n.2 (quoting Jackson, at 319) (emphasis in the original); see also State v. Richburg, 250 S.C. 451, 459, 158 S.E.2d 769, 772 (1968) (“When the evidence is susceptible of more than one reasonable inference, questions of fact must be submitted to the jury.”).

Gentry posits the case as a circumstantial evidence case and then seeks to differentiate circumstantial evidence from direct evidence. The United States Supreme Court made the following observation concerning circumstantial evidence:

Admittedly, circumstantial evidence may in some cases point to a wholly incorrect result. Yet this is equally true of testimonial evidence. In both instances, a jury is asked to weigh the chances that the evidence correctly points to guilt against the possibility of inaccuracy or ambiguous inference. In both, the jury must use its experience with people and events in weighing the probabilities. If the jury is convinced beyond a reasonable doubt, we can require no more.

Holland v. United States, 348 U.S. 121, 137-38 (1954) *cited with approval in Jackson*, at 317 n.9.

This Court articulated the following concerning the standard of review for purely circumstantial evidence cases:

The trial court should grant the directed verdict motion when the evidence merely raises a suspicion that the accused is guilty as suspicion implies a belief or opinion as to the guilt based upon facts or circumstances which do not amount to proof. On the other hand, a trial judge is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis.

State v. Hepburn, 406 S.C. 416, 753 S.E.2d 402, 409 (2013) (quoting State v. Cherry, 361 S.C. 588, 593, 606 S.E.2d 475, 478 (2004) (citations and internal quotations omitted)); see also State v. Richburg, at 459, 158 S.E.2d at 772 (“When the evidence is susceptible of more than one reasonable inference, questions of fact must be submitted to the jury.”). “This objective test is founded upon reasonableness[;] [a]ccordingly, in ruling on a directed verdict motion [when] the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt.” State v. Pearson, 415 S.C. 463, 473, 783 S.E.2d 802, 807 (2016) (quoting State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016)).

Gentry seeks to define “substantial.” The meaning of the word “substantial” is inherent in the directed verdict standard explained by this Court on numerous occasions: circumstantial evidence is substantial when evidence is presented from which any rational juror could find the defendant guilty beyond a reasonable doubt. See also State v. Smith, 265 S.E.2d 164, 169 (N.C. 1980) (defining “substantial evidence” as “such relevant evidence as a reasonable mind might accept as adequate to support a conclusion”). Certiorari is not warranted.

Elements of Accessory Before the Fact to Murder

“A conviction for the crime of accessory before the fact requires proof that the accused (1) either advised and agreed, urged, or in some way aided some other person to commit the offense; (2) was not present when the offense was committed; and (3) that some principal committed the offense.” State v. Prince, 316 S.C. 57, 64, 447 S.E.2d 177, 181 (1993). This Court has not explicitly stated the mens rea for accessory before the fact to murder. The State agrees that some degree of knowledge of criminal activity is required for culpability as an accessory before the fact. However,

the accessory's actual knowledge of the principal's exact intentions is not always required; constructive knowledge may suffice. Further, the State is not required to prove the accessory had the specific intent to aid in the murder of a specific person. Rather, the State must show the intent to aid the principal in the commission of a crime.

Circumstantial evidence establishes Gentry provided the gun and ammunition Johnson used to kill Victim. Gentry was found with 40 caliber TulAmmo and Gentry owned a Smith & Wesson weapon evidenced by the empty box found in his home. But his gun was never recovered. Victim was killed by a weapon firing 40 caliber TulAmmo and the markings could only have been made by a Smith & Wesson. The evidence showed numerous communications between Gentry and Johnson shortly before and after the murder, much more than their normal level of communication. The State also showed the Gentry briefly met with Johnson shortly before he committed the murder. The evidence supports the inference that the day after the murder, Johnson urged Gentry to report the gun stolen while Gentry seems to be deciding between alternative and incompatible courses of action of either (1) reporting his gun stolen or (2) selling his gun. A rational juror could conclude Gentry provided Johnson the murder weapon.

Gentry argues the State presented insufficient proof Gentry had knowledge of the purpose for which Gentry provided Johnson the weapon. However, the communications between Gentry and Johnson neatly straddle before and after the murder as if the murder was the centerpiece of their communication. Within the hour Johnson discovered Victim blocked his phone number – and shuttered him from involvement with her or the baby she carried – Johnson contacted Gentry. No prior contact in the cell phone records occurred in the time frame starting from April 5. Victim went missing and was likely shot by the end of the day. Johnson and Gentry coordinated with each other throughout the day. They referenced the need to talk, seek each other's locations, arrange meetings

– but they carefully avoided discussing the substance of their conversation in any texts or messages. Gentry deleted most of his contacts with Johnson. They met around four or five p.m. Their cell phones show another meeting at Gentry’s residence at 8:24. At 9:30 p.m., Johnson manipulated Victim into unblocking his cell phone and Victim met Johnson soon after at Duncan Park. By 11:48, Johnson’s phone shows he is moving away from the park, while Victim’s phone never leaves the park. In the meantime, Johnson sent an i-Message at 10:24 p.m. to inquire where Gentry is, then Johnson attempted to call Gentry at 11:24 p.m., and once more at 11:45 p.m. in the closing minutes before he left the vicinity of where he murdered the Victim.

As demonstrated above, Gentry is integral to Johnson’s plans: Johnson’s attempts to contact Gentry from the park when the murder just occurred demonstrates Gentry was more than a passive innocent agent in the murder scheme. Gentry confirmed this the next morning. Despite renewing contact with Johnson just the previous day, Gentry is compelled the next morning to let Johnson know he is going to work. Gentry deleted this seemingly innocuous message. The newfound level of interest between the two codefendants is emphasized by the need for Johnson to ask Gentry where he works. Then he asked to meet Gentry at work, but without offering an explanation why. They coordinated some more, but Gentry’s gun-related searches sandwich the probable meeting time, and right after that meeting Gentry is alternatively deciding whether to sell the gun, as shown by his search for selling a gun on “Cheaper than Dirt” (which reflects possession) or report it stolen (which is inconsistent with possessing a gun to sell). When Johnson tells him to “Do it today, Fam! Happened two days ago,” this is proof for the reasonable juror that Johnson was telling Gentry to report the weapon stolen two days ago – in other words, the day before the murder. The next day, on May 11, Gentry made multiple searches to monitor news coverage about the discovery of Victim’s body in the lake.

This evidence reasonably supports a finding that Gentry provided Johnson the murder weapon in a manner of communication intended to avoid the transfer of the weapon from being detected or traced to either of them. These careful, furtive communications on the day leading up to the murder and the immediate day afterwards suggest Gentry was aware he was providing a weapon for violent crime. Semiautomatic handguns like a 40 caliber Smith & Wesson are designed to shoot things and more specifically people. The jury could believe Gentry was aware of the probable use of the weapon for a violent crime.

Gentry argues the State failed to prove intent, arguing the State is required to prove specific intent. The State was not required to show specific intent on Gentry's part, particularly when the offense he aided—murder—is a general intent crime. The State was required to show the intent to aid in a crime, not the desire to bring about any specific result. In State v. Asfoor, 249 N.W.2d 529, 536 (Wis. 1977), the defendant argued he could not be convicted of negligent use of a weapon under an aider and abettor theory: "The essence of the . . . argument is that an aider and abettor cannot be guilty unless it is shown that the crime which was committed was the specific crime which the aider or abettor intended be committed." However, Asfoor knew of his codefendant's plans to commit "hostile damage" to the victim and provided the car and use of one of his guns. At the scene, he disarmed one of the two codefendants, but another codefendant discharged the other weapon. Asfoor argued it was impossible to intend a negligent crime – the Court disagreed, observing Asfoor "consciously agreed to aid his companions when he knew they were planning a crime. He took overt actions to further their conduct. . . . All these intentional acts led to an injury when one of those he aided acted negligently while using a weapon. Asfoor . . . is responsible for the natural consequences of his acts." Id. at 537. The Wisconsin Supreme Court returned to a metaphor from its prior case law, explaining, "Asfoor was not 'sitting on the bench. He was in the game, playing a

position or performing a function as to the commission of the crime.” Id. at 536 (internal quotation marks and ellipses omitted).

The Connecticut Supreme Court analyzed its accessory statute and found that unlike “attempt or conspiratorial liability, accessorial liability does not require that a defendant act with the conscious objective to cause the result described by a statute.” State v. Foster, 522 A.2d 277, 282 (Conn. 1987). In that case, Foster and a companion found and assaulted the victim who they believed raped Foster’s girlfriend. Foster told the victim to stay and gave a knife to his companion and told him to stay with the victim and to not let him escape. His companion stabbed the victim when the victim charged him, after Foster departed. Id. at 278-79.

The Court noted its prior decisions discussing the requirement of “dual intent,” explaining those cases dealt with an accessory to a specific intent crime, and therefore, a specific intent to be an accessory was required. Id. at 282-83. The Connecticut Court explained under its case law, the proof of intent for an accessory is dependent on the mental state required for the substantive crime. Therefore, because the substantive offense required proof of recklessness, the prosecution only needed to prove recklessness for Foster’s accessorial liability. Id. at 283.

The Connecticut court explained:

Thus, accessorial liability is predicated upon the actor’s state of mind at the time of his actions, and whether that state of mind is commensurate to the state of mind required for the commission of the offense. If a person, in intentionally aiding another, acts with the mental culpability required for the commission of a crime – be it “intentional” or “criminally negligent” – he is liable for the commission of that crime.

Id. at 283-84.

Murder is a general intent crime, and the level of proof is discussed in State v. Mouzon, 231 S.C. 655, 99 S.E.2d 672 (1957). In that case, Mouzon was driving, while intoxicated, through the

Clarendon County village of Alcolu at 70 or 80 m.p.h. in a 35 m.p.h. zone and fatally struck a pedestrian. This Court upheld the murder verdict, explaining:

We think the evidence was sufficient to sustain a verdict of murder. The conduct of the driver was such as to imperil human life. Although it may be fairly assumed there was no actual intent to kill or injure another, there is evidence of such recklessness and wantonness as to indicate a depravity of mind and disregard of human life, from which a jury could infer malice.

Id. at 662, 99 S.E.2d at 675. The Court further explained, “Malice does not necessarily mean an actual intent to take human life. It may be inferential or implied, instead of positive, as when an act which imports danger to another is done so recklessly or wantonly as to manifest depravity of mind and disregard of human life.” Id. at 663, 99 S.E.2d at 676; see also State v. Meggett, 398 S.C. 516, 527, 728 S.E.2d 492, 498 (Ct. App. 2012) (“[W]hether a defendant possessed the requisite intent at the time the crime was committed is typically a question for jury determination because, without a statement of intent by the defendant, proof of intent must be determined by inferences from conduct.”); State v. Tuckness, 257 S.C. 295, 299, 185 S.E.2d 607, 608 (1971) (“The intent with which an act is done denotes a state of mind and can be proved only by expressions or conduct considered in the light of the given circumstances. Intent is seldom susceptible to proof by direct evidence and must ordinarily be proven by circumstantial evidence, that is, by facts and circumstances from which intent may be inferred.”).

In the instant case, the furtive conduct by both Gentry and Johnson to arrange the transfer of Gentry’s .40 caliber Smith & Wesson to Johnson, with requisite TulAmmo ammunition, indicates knowledge and a reckless disregard for human life on Gentry’s part because his conduct indicates he understood he was providing the weapon to Johnson for some illicit and dangerous purpose. This Court recognized in State v. Williams, 427 S.C. 246, 830 S.E.2d 904 (2019), the inherent dangers of

firearms when it found Williams was precluded from a self-defense instruction to the jury because he knowingly brought a handgun to a drug deal. The Court found he brought on the difficulty and therefore a proposed jury instruction for self-defense was not supported by evidence. In reaching the holding, the Court noted the nexus between drugs and gun violence: “[I]ntentionally bringing a loaded, unlawfully possessed pistol to an illegal drug transaction is ‘calculated to produce a violent occasion.’” Id. at 251, 830 S.E.2d at 907.

Thus, even if the State was required to show Gentry acted with malice, the evidence supports such a finding. The circumstances of how Gentry provided Johnson his Smith and Wesson weapon and the TulAmmo ammunition show knowledge and reckless disregard for human life as it created a substantial likelihood of loss of life. The evidence was sufficient to convict Gentry of accessory before the fact. The court of appeals correctly affirmed. Certiorari should be denied.

II.

Sufficient evidence supports the verdict for accessory after the fact because a rational juror could find Petitioner assisted in the disposition of the murder weapon, which belonged to Petitioner, and Petitioner was aware of the murder when he assisted the principal.

Gentry argues the trial court erred in denying his motion for directed verdict for accessory after the fact to murder. The trial court correctly denied the motion because there was evidence Gentry knew Johnson committed a murder when he assisted Johnson by disposing of the murder weapon. The court of appeals correctly affirmed. *Cetiorari* should be denied.

To prove a defendant guilty of accessory after the fact, the State must prove the following elements: (1) a completed felony; (2) the accused knew the principal committed the felony; and (3) the accused harbored or assisted the principal felon. State v. Legette, 285 S.C. 465, 466, 330 S.E.2d 293, 294 (1985); State v. Blakely, 402 S.C. 650, 656, 742 S.E.2d 29, 32 (Ct. App. 2013). “The assistance or harboring rendered must be for the purpose of enabling the principal felon to escape detection or arrest.” Legette, 285 S.C. at 467, 330 S.E.2d at 294. “An accessory after the fact is one who, knowing a felony to have been committed receives, relieves, comforts, or assists the felon.” State v. Nicholson, 221 S.C. 399, 405, 70 S.E.2d 632, 634 (1952) (citation and internal quotation marks omitted). The person must know of the felony and know the person aided is the guilty party, and the accused must intend to shield the person aided from the law. Id.

The Kentucky Court of Appeals has observed:

Any assistance whatever given to a felon to hinder his being apprehended, tried, or suffering punishment makes the assistor an accessory. IV Blackstone 37. ‘The true test for determining whether one is an accessory after the fact is, to consider whether what he did was done by way of personal help to his principal, with the view of enabling the principal to elude punishment – the kind of help rendered appearing to be unimportant.’ Bishop’s Criminal Law 365 (§634).

Maddox v. Commonwealth, 349 S.W.2d 686, 689 (Ky. Ct. App. 1960). “Certainty of knowledge [a felony has been committed] is not required. It is sufficient that the accused had actual knowledge of facts which would give him good reason to believe the person assisted to be the felon.” Id. at 688-89.

“[I]n determining whether a defendant had the requisite knowledge and intent to commit the crime of accessory, the jury may consider such factors as the defendant’s possible presence at the crime or other means of knowledge of its commission, as well as his companionship and relationship with the principal before and after the offense.” People v. Plengsangtip, 148 Cal.App.4th 825 (Cal. Ct. App. 4th District 2007) (citation and internal quotation marks omitted). “Defendant’s knowledge of the underlying offense may be proven entirely by circumstantial evidence.” United States v. Lepanto, 817 F.2d 1463, 1467 (10th Cir. 1987).

In the instant case, there is no dispute as to whether there was a completed felony. Victim was shot in the park and found floating in the water on May 11. Johnson’s motive and intent are well documented both in the texts and messages between him and Victim, and his internet searches for modes of poisoning Victim. Evidence established he met with Victim at the park that night where she was shot.

Further, Gentry’s actions indicate he knew Johnson committed the felony. Gentry undertook numerous internet searches regarding the murder. Further, the internet searches indicate Gentry knew he needed to dispose of the weapon quickly and Johnson’s message seeking for Gentry to report the weapon stolen the day before the murder occurred is further evidence of Gentry’s knowledge. The jury could infer that Gentry knew of the murder when he assisted Johnson in disposing of the weapon. See People v. Scott, 170 Cal.App.3d 267 (Cal. Ct. App. 1st Dist. 1985)

(finding evidence supported Scott as an accessory after the fact to a completed bank robbery where evidence showed she agreed to give a ride to the robber and dropped him off near the bank and waited for his return – she claimed not to know he was going to commit a crime. She drove him away when he returned, and loose cash was found in and around her purse when her car was stopped by police); Jones v. United States, 716 A.2d 160 (D.C. Ct. App. 1998) (noting “[e]ven if joining Rice in his flight would not in itself be enough to render appellant an accessory after the fact, this action could be considered by the jury as further proof bearing upon the nature and purpose of any ambiguous action in the cut.”).

Sufficient evidence exists for a reasonable juror to believe Gentry provided assistance or harbored Johnson following the murder. Johnson attempted to contact Gentry no less than three times while he was at the park. Gentry clearly made himself available to Johnson, indicating he was going to work. Rather than communicate content to each other, Johnson made a special trip to see Gentry at his workplace. Gentry’s first internet search after the meeting was a search for selling a weapon on the website “Cheaper than Dirt.” This is evidence Gentry had possession of the weapon and he sought to dispose of the weapon. Alternatively, he considered reporting the weapon stolen, an action he ultimately did not undertake. There is sufficient evidence that Gentry disposed of the weapon or coordinated its disposition with Johnson, with the intent to aid Johnson. See People v. Williams, 324 N.W.2d 70 (Mich. Ct. App. 1982) (finding evidence defendant secreted the weapon used by the principal was sufficient evidence to establish guilt as an accessory after the fact). Additionally, Gentry deleted nearly every contact with Johnson which is an action reasonably calculated to (1) assist Johnson in hiding the transfer of the weapon to Johnson and (2) conceal their communications after the murder. See United States v. Lepanto, 817 F.2d 1463, 1468 (10th Cir. 1987) (finding evidence the defendant disposed of a carpet in the dumpster containing evidence of

his brother's bomb-making activities and defendant's expressions of a desire to dispose of evidence of bomb-making in the defendant's and his brother's apartment sufficient to support a verdict for accessory after the fact); United States v. Elkins, 732 F.2d 1280, 1286-87 (6th Cir. 1984) (finding "ample evidence" to support girlfriend's conviction for accessory after the fact where she assisted the principal in destroying evidence).

Accordingly, sufficient evidence exists for a rational juror to find Gentry guilty of accessory after the fact to murder. The court of appeals correctly affirmed. Certiorari should be denied.

CONCLUSION

For all of the foregoing reasons, the petition for certiorari should be denied.

Respectfully submitted,

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