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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Chesterfield County
The Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

ANDRE JUNIOR COVINGTON,

PETITIONER.

Appellate Case No. 2022-000831

RETURN TO PETITION FOR WRIT OF CERTIORARI

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TABLE OF CONTENTS

STATEMENT OF ISSUES ON CERTIORARI.....1
STATEMENT OF THE CASE.....2
BRIEF STATEMENT OF FACTS2
STANDAR OF REVIEW9

ARGUMENT I

Certiorari is not warranted because the evidence in question – the warrant along with the handwritten letter – constituted circumstantial evidence of a confession by Petitioner to the crime in question, and to the extent Rule 404(b) is applied, the evidence satisfied the exceptions for admissibility under the rule9

ARGUMENT II

Certiorari is unwarranted because the Court of Appeals correctly affirmed the trial court’s denial of Petitioner’s directed verdict motion, as there was substantial circumstantial evidence tending to show that Petitioner murdered Victim, even in the absence of a recovered body12

CONCLUSION16

PROOF OF SERVICE

STATEMENT OF ISSUES ON CERTIORARI

- I. Did the Court of Appeals err under Rules 403 and 404, SCRE, by affirming the admission of evidence Petitioner offered to make unrelated witnesses “disappear” after the alleged crime when he was on trial for the murder of a man who disappeared?

- II. Did the Court of Appeals err by finding Petitioner’s motion for a directed verdict was properly denied despite the lack of evidence of violence, meaning the state failed to prove the criminal act of another caused the death of Terris Parsons?

STATEMENT OF THE CASE

Petitioner was indicted for murder (2021-GS-13-461). (R. p. 579). A five-day jury trial was held before the Honorable Michael G. Nettles on March 4 through March 8, 2022. Petitioner was represented at trial by attorney Kyle Hobbs. The State was represented by Deputy Solicitor Kernard Redmond. At the conclusion of the trial, the jury found Petitioner guilty and Judge Nettles sentenced Petitioner to forty-five (45) years in prison. (R. p. 579). Petitioner filed post-trial motions for a judgment of acquittal and for a new trial. A hearing was conducted on June 1, 2022, and Judge Nettles denied the motions at the conclusion of the hearing. (R. p. 588-99).

Petitioner noticed his appeal on June 13, 2011. The appeal was perfected with the filing of his Final Brief of Appellant on September 26, 2023, with the State filing its own Final Brief of Respondent on the same day. Oral argument was held on November 5, 2024. On January 29, 2025, the South Carolina Court of Appeals issued its unpublished per curiam opinion affirming Petitioner's conviction and sentence. *State v. Covington*, No. 2022-000831, 2025 WL 326596 (S.C. Ct. App. Jan. 29, 2025). Petitioner filed a Petition for Rehearing on February 13, 2025, which was later denied on April 2, 2025.

Petitioner now seeks a writ of certiorari to the South Carolina Court of Appeals. This Return now follows.

STATEMENT OF FACTS

At approximately 9:00 pm on June 2, 2016, Terris Parsons (hereinafter "Victim") went out for cigarettes in his 2010 champagne colored Buick Lacrosse. His girlfriend with whom he had plans to marry, Latoya Broadie, had smoked his last cigarette so she handed him a 10-dollar bill and he left to go get more. (R. p. 108-110; p. 134). Surveillance footage showed that Victim did purchase those cigarettes. (R. p. 158). However, Victim never made it home that night. As surveillance evidence would later show, Victim's last known location was at Petitioner's address.

(R. p. 159; p. 231; p. 300-301). Despite considerable efforts by law enforcement, Victim's body has never been discovered, nor were there useful forensic discoveries. In light of Victim's close and numerous relationships with family and friends, his role as a father, his employment, and his financial plans, there is no evidence to suggest Victim is still alive.

The Development of the Case

When Victim did not return home on June 2, Ms. Broadie grew worried and began a number of efforts to try and determine his whereabouts. This included obtaining a recent list of calls from Victim's phone (which was linked to her account) and contacting those numbers the following day. (R. p. 116). One of those numbers belonged to Petitioner. Ms. Broadie's made numerous calls to this phone with her own phone, but they went unanswered. When she tried the number while using her friend's phone, Petitioner answered. Ms. Broadie had a short conversation with Petitioner, but he would not answer Ms. Broadie's requests for information. Ms. Broadie ultimately contacted the police and filed a missing person's report. (R. p. 117-119; p. 153-155).

On June 4, 2019, as a result of Ms. Broadie efforts to acquire a recent contacts list, police requested Petitioner come in for voluntary questioning. Petitioner agreed and he drove himself to the police station. (R. p. 153-155). During the interview police also obtained consent to seize Petitioner's phone. (R. p. 155; p. 174; p. 381). Petitioner denied having any contact with Victim on the day of his disappearance. (St. Exhibit 80; R. p. 303). At the time, law enforcement officers did not have any evidence which contradicted this assertion and Petitioner was permitted to leave. Law enforcement officers also interviewed Lillie Moore (Petitioner's live-in girlfriend) and Robert Wilson.

Further investigative efforts led to the acquisition of recordings from multiple surveillance cameras in the area. The surveillance footage demonstrated that once Victim left the Alco station

with his cigarettes and candy, he proceeded to 4 Chapman Street – Petitioner’s home address. (R. p. 158-159; p. 164). Surveillance footage shows Victim’s car reaching Petitioner’s residence at 9:18pm. (R. p. 340-341). This was the last known location for Victim, and in addition to the surveillance footage showing his arrival, there were also the direct communications between Victim and Petitioner on the night of June 2. These communications include: 1) Petitioner texted Victim at 7:22pm that he should be home at about 8:30; 2) Victim responded to Petitioner at 7:23pm with a simple: “Okay”; 3) Petitioner texted Victim at 8:58pm that he was home; and 4) Victim responded again with an “okay” acknowledgment. (R. p. 339-340). After Victim’s arrival, a 9:40pm text from Victim’s phone was sent to Robert Wilson saying “I’m on my way”, and Mr. Wilson responded by asking Victim where he was on his way to. This text was never responded to.¹ (R. p. 341; p. 343).

At 10:06pm, Victim’s car is observed by the same surveillance cameras leaving Petitioner’s home. (R. p. 342-343). However, it was followed at a distance by Petitioner’s Blue Ford Mustang that possessed the unique identifiers of being a rag-top convertible with a decal sign on the side of the car. Multiple cameras tracked the two cars’ progress leaving away from the home. The cameras then caught the blue Ford Mustang returning back through town without the Buick at 11:34pm. (R. p. 344-345). In addition to this, Petitioner placed a six second call from his phone to Victim’s phone at 11:53pm. (R. p. 345). Additionally, at 11:55pm, Victim’s phone received a text from Petitioner stating that “If you don’t want the puppy just say that. Don’t have me waiting on you. Call me in the morning.” (R. p. 349).

In the days that followed, law enforcement received a tip that someone had possibly spotted Victim’s car in an abandoned carwash in Morven, North Carolina, a short drive up the road from

¹ Robert Wilson was investigated by police, but ruled out as a suspect.

Cheraw. This was investigated extensively, but police did not find the car at the carwash or anywhere else in the area. (R. p. 156).

On June 7, with new knowledge gained from the surveillance footage, law enforcement sought to backtrack some of their previous efforts. They sought to reinterview Lillie Moore, and at that time she was not forthright in her responses. While her interview was ongoing, Petitioner arrived at the station as well to ask what was taking so long with her interview. He was mirandized and questioned again as a result, and he *again* asserted that he had not seen Victim on the night of June 2. Ultimately, both individuals were then charged with obstruction of justice and Petitioner was later charged with kidnapping. (R. p. 446-447).

The Testimony of Lillie Moore

On June 25, however, Ms. Lillie Moore contacted police, and in the presence of counsel provided police with a full explanation of the events she witnessed take place between June 2 and June 3. She testified that she had never seen Victim and did not know Victim. However, on the night of June 2, between the hours of approximately 9pm and 10pm, Petitioner asked her to follow him down Highway 52, and that he seemed reluctant to ask her to do so. (State's Ex. 81, at 11:31-11:33). Petitioner explicitly asked her to leave both hers and his phone behind for the trip, however she did not obey the request and opted to simply turn off her phone, fearing she may need it for safety purposes. She followed him to Morven, heeding his instruction to not follow too closely, but instead at a distance enough to just keep his taillights in view. She was told that once they got down Highway 52, she was supposed to pick him up from the roadside when she sees him walking. (State's Ex. 81, at 11:34-11:36).

She explained that she was driving Petitioner's blue Mustang, and that Petitioner was not driving one of their personal cars; however, at the outset of following him she did not get a good

look at the vehicle he was driving. That changed when she pulled up to the store in Morven, wherein she identified the car as being “crème” colored; she likewise identified Victim’s Buick from the exhibits presented. She had never seen the car before that night. As she was pulling into the store parking lot and Petitioner was pulling out, they spoke briefly and Petitioner said that he would be ready for pick-up within the time it would take for her to turn around and get out of the parking lot. (State’s Ex. 81, at 11:36 - 11:40).

However, Ms. Moore recognized that she was in need of gasoline, so she drove to nearest open gas station she could find and purchased gasoline. This happened to be back in Cheraw where they had originally left. Upon her return up Highway 52 she eventually encountered Petitioner walking on the roadside, as she had been told to expect. Once Petitioner was in the car he did not say anything, and they returned to the house. Ms. Moore testified that she was not aware of where Petitioner had left the Buick that he had driven up to Morven. She asked what was going on, but Petitioner did not respond. Once they returned Ms. Moore had to go back out to meet Petitioner’s sister in Cheraw who needed a ride. She was gone for 30 to 35 minutes and Petitioner was not with her during that time. She also commented that upon her return, Petitioner was in and out of the house that night, but she did not know for what purpose.² (State’s Ex. 81, at 11:40 – 11:47). Ms. Moore also noted that Petitioner had been operating a burn pile in the middle of the night that night. (R. p. 309; Ex. 81).

On June 3, the following morning, she overheard Petitioner during a phone call with a woman and Petitioner stated: “he didn’t come; he didn’t show up.” On the evening of June 3, she

² Ms. Moore also provided testimony that Appellant and another individual spent the next morning cleaning the yard and hauling what they had cleaned to the dump, and that later she was left at Appellant’s mother’s home while Appellant visited his brother elsewhere. (State’s Ex. 81, at 11:47-11:50).

and Petitioner drove back to Morven in their Lexus for the purpose of moving the car he had driven there the night prior, but Petitioner did not explain why. When they arrived, she saw that the car was parked in the back side of an abandoned carwash. Petitioner got out, and assumingly had the key to crank the car, because he was able to do so with no apparent difficulty or delay. She then followed Petitioner to Florence County where he parked the car behind what she called an abandoned house. They were there approximately five minutes, and Petitioner then got in the car with her and they drove back to Cheraw. Petitioner again refused to answer her question of what was going on. (State's Ex. 81, at 11:50 – 12:00).

When Ms. Moore reached out to law enforcement to provide a new statement, she also agreed to direct them to the car they had left in Florence. Though finding it presented a bit of difficulty, she was successful in leading the police to the car. Ms. Moore explained that she was fearful and did not tell law enforcement the information at first because of what might be going on in the situation with Petitioner. At the time of her testimony, her charges remained pending and she had received no promises of leniency. (State's Ex. 81, at 12:03 – 12:07).

The Testimony of Fausten Romero

One further development would come in the case after Petitioner was arrested. Fausten Romero testified that he was housed for a time at the Marlboro County Detention Center and was pod-mates with Petitioner. He had a cell right beside Petitioner's and they communicated frequently. Mr. Romero testified that on one occasion Appellant slid him some papers and told him to read them. The first paper was Petitioner's arrest warrant for Kidnapping; Petitioner instructed him to read it and then hand it back. Mr. Romero complied. The second was a letter or note from Petitioner that was redacted for trial and read into the record:

First, let me tell you how I can help you in a major way. If they don't have any witnesses they don't have a case. You follow me. I can

make that happen. Trust me. That can be done while you're out on bond for the State bonds for the State charge, which, you know, the charge will get dismissed because there is no one to take the stand against you. Are you still with me.

Once again, I'm telling you that if I got out, there will be nobody to take the stand. I can make witnesses disappear. They wouldn't have a case because they have to be able to take the stand. Trust me. I want this paper back.

(State's Ex. 81, at 10:52 – 10:54; R. p. 462-463). Mr. Romero was presented with what was identified as State's Exhibit 1 and noted that it was the Kidnapping arrest warrant Appellant provided him. He then identified State's Exhibit 2 as the letter from Petitioner.³ Petitioner told Mr. Romero that he would need the letter back. However, when Petitioner later asked for the letter back, Mr. Romero lied that he had torn it up, flushed it, and claimed that he wanted no part in the matter. In truth, he kept the letter and attempted to send it to law enforcement in the hopes of aiding his own legal circumstances. However, ultimately any real help he hoped to gain was moot, as he had served nearly all of his sentence by the time of his testimony. In any case, a note was put in his file for consideration despite his coming release. (State's Ex. 81, at 10:55 – 10:59).

Mr. Romero was asked during his examination what meaning he took from Petitioner's papers that were handed to him. He testified that: "When I read this part, that's whenever I realized about the kidnapping, the warrant you know – I felt like that the reason he wanted me to read the kidnapping charge was you know to let me know, that you know, this is what can be done [in his own case]". Mr. Romero testified that he did not know how to respond to that, and that Petitioner was looking for \$1000 to help with retaining a lawyer in return for his assistance. (State's Ex. 81, at 11:00 – 11:05). Mr. Romero reiterated that although Petitioner never told him what he did, or admitted to guilt for his crime, he "felt like" in reading the warrant and the note together, "it was

³ Though the exhibit was not entered into evidence due to its nature as a charging document.

self-explanatory” that he was saying “this is my work, this is what I can do.” Mr. Romero had no doubt that it was Petitioner that handed the papers to him. (State’s Ex. 81, at 11:07; at 11:18).

STANDARD OF REVIEW

"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. The South Carolina Appellate Court Rules set forth a nonexclusive list of the circumstances in which review may be granted. Therein, Rule 242(b) continues: "[t]he following, while neither controlling nor fully measuring the Supreme Court's discretion or power to grant review in general, indicate the character of reasons which will be considered:

- (1) Where there are novel questions of law.
- (2) Where there is a dissent in the decision of the Court of Appeals.
- (3) Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court.
- (4) Where substantial constitutional issues are directly involved.
- (5) Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court."

Rule 242(b), SCACR.

ARGUMENT

- I. Certiorari is not warranted because the evidence in question – the warrant along with the handwritten letter – constituted circumstantial evidence of a confession by Petitioner to the crime in question, and to the extent Rule 404(b) is applied, the evidence satisfied the exceptions for admissibility under the rule.**

The holding reached by the South Carolina Court of Appeals was proper, and Petitioner has failed to present any basis for which certiorari is warranted in this matter. To the extent the letter and testimony presented to Fausten Romero can even be considered 404(b) evidence, the

court of appeals did not err in finding the letter and warrant properly admitted. The combination of the warrant and the letter offering to disappear a witness on Romero's behalf is probative evidence tending to establish his identity as the perpetrator in the crime against Victim Parsons. Additionally, and more impactfully, when provided together the warrant and letter constituted "highly probative circumstantial evidence" that Petitioner "impliedly identified himself as Victim's killer by suggesting that he made Victim disappear; this was an allowable inference for the jury to make." (*Covington*, 2025 WL 326596, at 2). Petitioner's arguments that none of the 404(b) exceptions were satisfied and his discussion with Romero differed in substance from the warrant and letter because it was an offer to Romero to make a witness disappear before trial, are wholly unconvincing. There are no special and important reasons presented under Rule 242(b) for which certiorari is warranted and there is no error of law to address in this matter. Certiorari should be denied.

Petitioner presented Romero with an offer to make a witness disappear. While such can be narrowly viewed as a prior bad act, the manner in which Petitioner presented the offer is key. By providing Romero with his warrant for kidnapping victim, along with a letter offering to make someone similarly disappear for Romero, Petitioner has provided, at minimum, circumstantial evidence that he was involved in Victim's disappearance and the two documents together absolutely provide probative and admissible evidence against Petitioner. Petitioner's insistence that the offer to Romero is distinguishable because it was a graft that involved making a witness disappear before trial is a meaningless distinction that would suggest that the crime charged and the bad-act crime offered *must* share the same motive. Rule 404(b) does not require such. "To be admissible, the bad act must logically relate to the crime with which the defendant has been charged." *State v. Fletcher*, 379 S.C. 17, 23, 664 S.E.2d 480, 483 (2008) (citing *State v. Pagan*,

369 S.C. 201, 631 S.E.2d 262 (2006); *State v. Lyle*, 125 S.C. 406, 118 S.E. 803 (1923)). The logical relationship could not be more obvious in this case, as Petitioner explicitly used his crime against Victim to bolster the legitimacy of his offer to perform a similar crime for Romero. Ultimately, the offer to Romero constituted Petitioner's validation of his own warrant against him, and tended to prove identity, intent, and the absence of mistake in Victim's murder. The trial court was well within its discretion to admit the evidence under Rule 404(b) and the Court of Appeals correctly affirmed.

Moreover, solely viewing this evidence through a Rule 404(b) lenses represents a depreciative view of the evidence's value. The Court of Appeals properly concluded that the evidence in question was probative and admissible as circumstantial evidence of a confession, as Petitioner's use of the combined warrant and letter "impliedly identified himself as Victim's killer by suggesting that he made Victim disappear." Such was an appropriate inference for the jury to determine. *Id.* Petitioner used his warrant like a résumé, and in essence, confessed to his guilt in the process.

The basis for the evidence's admissibility also demonstrates its highly probative value. "Even if prior bad act evidence is clear and convincing and falls within an exception, it must be excluded if its probative value is substantially outweighed by the danger of unfair prejudice to the defendant." *Id.* (citing Rules 403 and 404(b), SCRE). "The determination of the prejudicial effect of the evidence must be based on the entire record and the result will generally turn on the facts of each case." *Id.* (citing *State v. Bell*, 302 S.C. 18, 393 S.E.2d 364, cert. denied, 498 U.S. 881, 111 S.Ct. 227, 112 L.Ed.2d 182 (1990)). By Petitioner's own implicit admission, he is attesting to the legitimacy of the warrant and identifying himself as the individual responsible for Victim's

disappearance and murder. The Court of Appeals correctly affirmed the trial court admission of the evidence, as its probative value was not substantially outweighed by unfair prejudice.

There is no basis for which certiorari is warranted in this case. Petitioner's appeal was a straightforward and correctly decided matter.

II. Certiorari is unwarranted because the Court of Appeals correctly affirmed the trial court's denial of Petitioner's directed verdict motion, as there was substantial circumstantial evidence tending to show that Petitioner murdered Victim, even in the absence of a recovered body.

The fact that this is a "no body" case, does not detract from the substantial circumstantial evidence presented in this case that Petitioner murdered Victim. The trial court correctly denied Appellant's motion for a directed verdict at trial, and the Court of Appeals correctly affirmed that decision. There is no basis for certiorari under Petitioner's second presented issue.

"A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged." *State v. Buckmon*, 347 S.C. 316, 321, 555 S.E.2d 402, 404 (2001) (citing *State v. McHoney*, 344 S.C. 85, 544 S.E.2d 30 (2001)). "If there is any direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, we must find the case was properly submitted to the jury." *Id.* Accordingly, a trial judge should grant a directed verdict motion when the evidence merely raises a suspicion the accused is guilty. *Id.* (citing *State v. Lollis*, 343 S.C. 580, 541 S.E.2d 254 (2001)). "'Suspicion' implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof." *Id.*

The Supreme Court in *Weston* articulated that the lack of a recovered body does not necessarily prevent the satisfaction of the corpus delicti of a murder case. Where the sudden disappearance of the Victim is in contrast with the testimony establishing his pattern of life and relationships, so as to render voluntary disappearance an unlikely conclusion, the first element of

the corpus delicti has been satisfied. *State v. Weston*, 367 S.C. 279, 293, 625 S.E.2d 641, 648 (2006). Petitioner essentially conceded in his appeal that the “pattern of life” testimony provided in the record is sufficient to satisfy the first element requiring the death of a human being.⁴ (See Brief of Appellant, p. 13). Appellant contested the sufficiency of the evidence toward the second element –the criminal act of another causing death”. However, Petitioner’s argument failed to demonstrate error on the part of the trial court, and he has likewise failed to demonstrate error by the Court of Appeals in affirming the decision.

Petitioner attempts to assign error to the unpublished opinion for its recitation of only four evidentiary matters presented by the State. These four matters are *broadly* identified and they cover a considerably vast portion of the record and specific evidence presented; they are clearly not intended as an exhaustive listing of the evidence and facts established by the State in proving criminal conduct. Rather, they are a summary of the circumstantial evidence that tends to prove Petitioner committed a criminal act and they are sufficient to prove the propriety of denying the directed verdict motion. In denying a directed verdict motion “[a] court is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis.” *State v. Bennett*, 415 S.C. 232, 236, 781 S.E.2d 352, 354 (2016).

Nevertheless, when the circumstantial evidence from the record is *exhaustively* itemized, it establishes the following facts:

⁴ To the extent Appellant argues that he has not conceded the first element. Respondent would argue that the State presented more than sufficient “pattern of life” evidence to satisfy the standard. Victim was a loving and involved father, he was in the process of financing a home with Ms. Broadie, they had plans on getting married, he was starting a new job, and he was frequently communicative with multiple members of his family. All communications and interactions of any kind abruptly ended while he was located at Appellant’s residence, and they have never resumed.

1. On June 2nd, a little after 9pm, Victim was alive and well while buying cigarettes and candy at the Alco station mere minutes before he pulled up to Petitioner's home. (R. p. 158; p. 340);
2. Surveillance footage demonstrated that after leaving the Alco station, Victim drove to Petitioner's residence. (R. p. 158-159; p. 164; p. 340-341);
3. Victim and Petitioner shared texts messages on the night of June 2nd that suggested Petitioner expected a visit from Victim and confirmed that Petitioner was home at the time Victim arrived. (R. p. 339-340);
4. Victim arrived at Petitioner's home at 9:18pm by driving his Buick Lacrosse. (R. p. 340-341);
5. A 9:40pm text from Victim's phone was received by Robert Wilson stating: "Im on my way". Mr. Wilson responds: "to where?", and that text was never responded to. This exchange took place before any further movement is seen from Victim's vehicle. No further outgoing communications come from Victim's phone. (R. p. 341-343);
6. Video surveillance showed that Victim's car left Petitioner's home nearly an hour after arriving, at 10:06pm, and was followed from behind by Petitioner's blue Mustang. Ms. Moore's testimony demonstrated that Petitioner was driving Victim's Buick to Morven for the purpose of abandoning it at the carwash. Ms. Moore testified that she was following the Buick at Petitioner's reluctant instruction, that she was told to leave her phone at home, and that she never saw Victim that night. (R. p. 342-345);
7. Text message history showed that Petitioner texted Victim, "If you don't want the puppy just say that. Don't have me waiting on you. Call me in the morning.", despite the evidence that Victim clearly arrived at Petitioner's home that night. (R. p. 349);

8. Ms. Moore testified that after abandoning Victim's car in Morven, Petitioner was picked up from the roadside and brought home by Ms. Moore in the Mustang, as was his plan. She further testified that he was home alone upon their return while she helped his sister, and that after she returned, he was "in and out" a lot that night. She also testified that he was using a burn pile that night. (R. p. 309; State's Ex. 81).
9. In addition to Petitioner's efforts to abandon Victim's car in nearby Morven, and his efforts to send what can reasonably be inferred as a fake text to Victim in an attempt to support his lie that Victim had not shown up at his house, SLED was also getting ping data showing that Victim's cellphone may have been in the Morven area of North Carolina. (R. p. 228);
10. Both Ms. Broadie's and Ms. Moore's testimony demonstrated that Ms. Broadie spoke with Petitioner the following morning on June 3. (R. p. 117-119; p. 153-155; Ex. 81);
11. After receiving that phone call, Petitioner had Ms. Moore drive up with him to Morven, collect Victim's car, crank it with a key, and drive it nearly 50 miles away into Florence County in order to park it tightly behind an abandoned house. Despite her requests, Petitioner would not tell Ms. Moore what he was doing or why. (Ex. 81);
12. When questioned for the first time on June 4 by police regarding their missing person's case, the record evidence demonstrated that Petitioner misled police when he denied seeing Victim on June 2. (R. p. 303; Ex. 80; et al.);
13. When questioned for the second time on June 7 by police regarding their missing person's case, the record demonstrated that Petitioner again misled the police when he denied seeing Victim on June 2. (R. p. 306; p. 327-328; Ex. 80; et al.);

14. Ms. Moore voluntarily chose to cooperate with law enforcement and led them to Victim's hidden Buick in Florence, thereby corroborating the testimony she provided as to hers and Petitioner's actions over the course of June 2 and June 3. (Ex. 81; p. 314-317).
15. Once in prison, Petitioner provided fellow inmate, Fausten Romero, with an offer to disappear a witness along with a copy of his arrest warrant for kidnapping of Victim. Such was provided as proof to Mr. Romero that he is capable of making people disappear and thereby constituted circumstantial evidence of a confession that he is guilty of Victim's murder. (Ex. 81).

All of this evidence strongly supports the Court of Appeals conclusion that Victim was last alive at Petitioner's residence, and the lies, secrecy, and efforts to dispose of evidence prove that his life was ended by the malicious criminal actions of Petitioner. All of which is bolstered by the inferred confession stemming from Petitioner's use of his own arrest warrant as credentials for his ability to make another inmate's witness disappear. The trial court was correct to deny Petitioner's directed verdict motion and the Court of Appeals was correct in affirming that decision, as there is in fact substantial circumstantial evidence of guilt.

Petitioner has again failed to demonstrate a credible basis for certiorari in this case. The Petition should therefore be denied.

CONCLUSION

The Court of Appeals' reasoning and legal basis for affirming the trial court's decisions was well-founded and proper. For all the foregoing reasons, it is respectfully submitted that certiorari be denied in this matter.

(Signature block on following page)

Respectfully submitted,

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