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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Appellate Case No. 2022-001618

The Honorable Edward Miller, Circuit Court Judge

The State of South Carolina.....Respondent,

v.

Quavon Deshay Edmunds.....Appellant.

PETITION FOR REHEARING

Pursuant to SCACR Rule 221, Petitioner respectfully asks this Court to rehear his case. Respectfully, this Court has overlooked or misapprehended issues of law that require the Court to grant this petition. Specifically, this Court relieves the State of its burden to prove Edmunds guilty beyond a reasonable doubt by accepting such a low standard of evidentiary proof in an attempted murder trial.

Relevant Facts

On February 7, 2018, police responded to a report of a shooting at the intersection of Rutherford Road and North Main Steet in Greenville, South Carolina, with a gunshot victim. ROA 111, 408. Shots had been fired from a Camaro into another vehicle driven by Frederick Miller-Knowles. ROA 67, 152, 154, 409. Miller-Knowles sustained several gunshot wounds, but his passenger, Jaton Lomax, had no physical injuries. ROA 121, 140, 155. Lomax could not identify the shooters in the car ROA 154, 160.

Through the course of the investigation, the police discovered that the morning of February 7, 2018, Miller-Knowles and Lee Moss had robbed the home of Edmunds and Damous Beasley¹, stealing marijuana, a game system, jewelry, shoes, a Draco (a small AK-47), and a puppy². ROA 131-33, 425. Eventually, police arrested Edmunds, Beasley, Curtis Collins, Xavier Concepcion, Jaquin Dodd, and Justin Miller in connection with the shooting incident. Beasley, Collins, Dodd, and Miller were all charged with attempted murder and criminal conspiracy but pled guilty to accessory after the fact and criminal conspiracy.³ ROA 171, 193, 215, 268.

Edmunds proceeded to trial on his indictments. Miller-Knowles admitted that he and Moss had been to Edmunds's house before the shooting and had stolen several items, although he stated he just took the marijuana and shoes. ROA 133, 136. At the time, he was driving a friend's red Infinity. ROA 132. He later heard from a friend that Edmunds was looking for them, but he picked up Jatón Lomax, his girlfriend at the time, to take her to work. ROA 134. He was shot as he was turning at a light at Rutherford Road. ROA 134. Miller-Knowles stated he did not know any of the defendants prior to being shot, he did not see who shot him and did not see the car. ROA 137. When law enforcement came to speak with him at the hospital his mouth was wired shut, but he wrote out that Edmunds shot him, and that Edmunds was one of the men at the bond hearing. ROA 138-39. He admitted, though, that he did not actually know it was Edmunds, someone else had told him. ROA 139. He did not even know if Edmunds was at a bond hearing. ROA 145.

¹ Beasley indicated he was not necessarily living there, but he "had stuff over there." ROA 246.

² At trial, Beasley testified Edmunds raises and sells purebred dogs. ROA 272. He identified the puppy as a Bully, ROA 272, however during sentencing, trial counsel indicated Edmunds raises and sells "Cherbo" dogs, ROA 535.

³ Concepcion was charged with attempted murder, conspiracy, and accessory after the fact. ROA 430. Those charges were still pending at the time of Edmunds's trial. ROA 430.

Lomax testified that Miller-Knowles had come to her house to take her to work. ROA 152. She stated Moss was with him and they have a puppy, a gun, and some weed. ROA 152–53. She explained that she and Miller-Knowles left in a burgundy car and he was shot when they turned on to Rutherford Road. ROA 153. She stated she did not see the shooter or the shooter’s car. ROA 154, 160. She was not injured when Miller-Knowles was shot. ROA 155.

The State also presented the testimony of several of Edmunds’s co-defendants—Beasley, Collins, Dodd, and Miller—who offered varying stories of the day’s events.

Dodd testified he was with Collins and heard about Beasley’s house being robbed, so he and Collins went to Beasley’s house. ROA 174, 176. He did not know anyone else at the home besides Beasley and Collins when he arrived but had since learned who Edmunds is and noted he was at the house as well. ROA 178. He testified he then got into an Impala with Beasley and Collins and “[w]ent driving around.” ROA 176–77, 179, 184. They were later stopped by law enforcement, and he was taken into custody that same day. ROA 178. He testified on cross examination that he did not see or hear the shooting and had not talked to Edmunds that day. ROA 185. On redirect, the solicitor read him from his plea that he had admitted to “coordinated effort among several cars that surrounded the victims before shots were fired” and that “the defendants armed themselves for the confrontation and fled thereafter.” ROA 188. However, on recross, Dodd confessed his admissions at his guilty plea—that they “got together, talked about something, armed [themselves, and] surrounded the car”—never happened. ROA 190. He again stated he had not seen or heard the shooting, and admitted he did not see the Camaro that shot into the car and did not know who was in it. ROA 191. He further indicated that Collins was the only person he knew was armed and he never saw Edmunds with a gun, or even talked to him. ROA 191–92.

Collins testified Beasley called him and told him to come over because he had been robbed, so he and Dodd went to the house. ROA 196. Collins did not know Edmunds at the time, but knew Beasley was staying with him. ROA 198. He said when he and Dodd arrived, there were a few people there and they all left shortly thereafter. ROA 200. He was in Beasley's Impala and there were two Camaros, but he did not know who was in them because he did not really know those people. ROA 204. He indicated he saw Edmunds at the house but did not recall seeing him afterwards. ROA 208-209. He testified on cross examination that when he left with Beasley, his understanding was that they were headed to retrieve the stolen items, and there had been no discussion of shooting anyone. ROA 210. He stated they were following a Camaro, but he was not sure if it was the black or blue one. ROA 213. Collins also indicated that he did not see or hear the shooting and he had no idea who was in the Camaro. ROA 213.

Miller testified he had accompanied Edmunds to his house after they both got off work and that was when Edmunds discovered it had been broken into. ROA 217. He then left and went home to eat. ROA 218, 219. After he ate, he met up with Edmunds at a gas station in Brutontown. ROA 219. He stated he was in his black Camaro, and Edmunds was with Beasley in his black Impala, and they were meeting to look for whoever broke into the house. ROA 222, 224. He later indicated he did not actually see Edmunds in the Impala since the windows are tinted, but he assumed he was in there. ROA 238, 241. He also testified they were the only ones there, however in his police interview he had said there was a silver car, a blue car, a school bus, a black Impala, and some type of white car. ROA 222. He clarified in his testimony that those cars were there, but he was not meeting with all of them. ROA 222, 242. Miller admitted he was on Rutherford Road when the shooting took place, but stated he did not remember if he talked to Edmunds on the phone,

although in his video statement to police after his arrest he indicated he had. ROA 226. He testified that he was helping his friend because he was worried about this safety since one of the items stolen was a semi-automatic pistol. ROA 227. He indicated that he was not aware anyone was armed that was part of the search for the stolen items. ROA 227. He further testified that he did not remember seeing a second Camaro, so he had no idea if Edmunds was in one or not. ROA 236.

Beasley testified that he remembered very little about that day given the passage of time, even when he was offered his previous statement to refresh his memory. ROA 247-49. Nevertheless, he eventually testified that he was on his way back from work when he received a call from Edmunds that his house had been broken into, and when he arrived Edmunds and Miller were there. ROA 253. He called Collins to come over, who arrived with a friend (Dodd). ROA 253. He testified his Draco gun had been stolen and eventually he left in his Impala with Collins and Dodd to hopefully retrieve his items. ROA 256, 257, 271. Miller was in a black Camaro; Beasley could not remember if Edmunds got into the blue Camaro with Concepcion. ROA 258. He did not know where Edmunds was when the shots were fired and did not know who was in the blue Camaro at that time. ROA 267-68. Beasley indicated that at the end of the interview he clarified that “everybody agreed just to simply go get the stuff back and nobody said anything about doing anything like what happened.” ROA 277.

The State also called Wendy Arnold who testified on the day of the shooting she was driving home and had stopped at the bottom of her street when she saw two young men walking down the hill. ROA 294. She described them both as dark skinned, and each wearing a khaki-colored sweatshirt or jacket and blue jeans. ROA 294. One was thin with braids and the other was shorter,

heavysset, with gold-tipped braids or dreads. ROA 294. The heavier set man with gold tips suddenly turned around and ran up the street, cutting through the corner of her neighbor's house while the other, thin man kept walking down the street talking on the phone. ROA 294-95. She kept driving and when she saw a gathering of police officers, she called 9-1-1. ROA 295. She then turned around and headed back towards her house and noticed a dark car at the end of her driveway with the windows down, so she called 9-1-1 again to report that. ROA 296. As she watched out the window, she saw another dark car, which she thought was a Cadillac, pull up and a young black man got out of it and sat in the car at the end of her driveway. ROA 297, 555. Arnold further testified that the police came as the young man sat in the car and ended up chasing him through the neighborhood when he tried to run away. ROA 298.

The State also offered the testimony of Tim Harrison, an intelligence officer with the Greenville Police Department. ROA 367. Edmunds objected arguing the testimony was inadmissible under Rule 403, SCRCrimP, as vague, non-scientific, and tending to confuse the jury. ROA 338. After a proffer, the trial court overruled the objection. ROA 357. Edmunds then argued Officer Harrison would have to be qualified as an expert to offer his testimony. ROA 361. The State indicated it had not planned to offer the testimony as expert testimony and did not think it necessary. ROA 363. However, after calling him to the stand it offered him as an expert in the use of the GeoTime software and cell record translation tools. ROA 372. Edmunds objected to his qualifications, arguing Officer Harrison had improper training, had only testified once before, had never been qualified as an expert, and does not know how the program works. ROA 376-77. The trial court disagreed and held not only that Officer Harrison could offer expert testimony, but also

that “this jurisdiction has joined many other jurisdictions that have deemed this technology reliable enough to pass the expert witness qualification gate.” ROA 377.

Officer Harrison testified that with the GeoTime technology, he took the T-Mobile records for a phone attributed to Edmunds and was able to map the general location of the device based on which cell towers it connected to and from which direction it connected to those towers. ROA 369, 378. His review of the data indicated that Edmunds’s cell phone was in the sector covered by the shooting incident at the time of the shooting. ROA 387, 556.

The State also called Russel Irvin, a sergeant in the Violent Crimes Investigation Unit at the Greenville City Police Department, who responded to the scene February 7, 2018. ROA 408. When he arrived, there were already multiple patrol officers, detectives, emergency medical services, and the fire department. ROA 408. Because the victim, Miller-Knowles, was being treated near the vehicle, he proceeded to interview Lomax and other individuals who had been in the area. ROA 409–10. He also reviewed footage obtained from the school bus. ROA 410. Sergeant Irvin testified that the interviews with Edmunds’s co-defendants suggested Edmunds had gathered individuals to retrieve his stolen items from Moss. ROA 412. He generally concluded Beasley was in his black Impala with Dodd and Collins, Concepcion was in in blue Camaro with Edmunds, and Miller was either at the house, or met them later. ROA 413. The video from the bus depicted a silver Mercedes as well, but that car was never identified, although Sergeant Irvin determined Concepcion was driving that car at the time of the incident. ROA 414. He stated they never identified the driver of the blue Camaro. ROA 414, 424. They also never identified the Cadillac that dropped Concepcion back at his Camaro after the shooting. ROA 419.

Sergeant Irvin stated that they did no deoxyribonucleic acid (DNA) or gunshot residue (GSR) testing because they had already settled on a suspect, and he felt that with the video obviated any need for GSR testing. ROA 427–29. He further stated that the only fingerprints identified in the blue Camaro were Concepcion’s, the owner of the car. ROA 430. Sergeant Irvin also discussed interviewing Miller-Knowles at the hospital, who had informed him Edmunds was the one who shot him, and Edmunds was at the bond hearing that was televised. ROA 425. However, noted Miller-Knowles later indicated he had only been told it was Edmunds. ROA 425. On cross examination, he stated the televised bond hearing occurred a day or two after the incident and was for Beasley, Concepcion, Dodd, Collins, and Miller. ROA 438. Edmunds did not turn himself in until February 21, 2018. ROA 429.

The State rested and defense counsel moved for a directed verdict, arguing the evidence did not show Edmunds “doing anything illegal whatsoever.” ROA 450. At most, the State offered the unsworn testimony of Beasley, which he recanted at the end of his interview as well as at trial. ROA 450. No one identified Edmunds as the shooter and the only evidence even placing him in the vicinity were based on the location of a phone that was at one point registered to him, which could not even place him in the specific location of the shooting. ROA 450. The court denied the motion, stating there was sufficient circumstantial evidence to proceed to the jury. ROA 450.

In his defense, Edmunds offered the testimony of Margaret Beeks, his grandmother. She stated that Edmunds had been with her during the day on February 7, 2018, helping her put up a tent for a party she was hosting. ROA 458–59. She said it took about two hours to get the tent up and then after that she drove him over to his place to pick up some of his things because he did not want to stay there after he was robbed. ROA 460–61.

The defense rested and renewed its directed verdict motion, which was denied. ROA 470. At the charge conference, Edmunds objected to the State's request to charge accomplice liability, arguing the State failed to identify any shooter to whom Edmunds would be an accomplice. ROA 470-72. The trial court disagreed and ultimately charged the jury:

A person who joins with another to accomplish an illegal purpose is criminally responsible for everything done by the other person which occurs as a natural consequence of the acts done in carrying out the common plan and purpose. For example, two people can be guilty of killing another person when only one of the two had a gun, there was only one bullet, and only one of the two fired the shot that caused the death. If two or more people are together, acting together, assisting each other in committing the offense, the act of one is the act of all, or as it's sometimes said, the hand of one is the hand of all.

ROA 519. After deliberating for about an hour, the trial court received a request from the jury to "please explain and give clarification conspiring to commit this please, about hand of one, hand of all" and to allow the jury to see Beasley's interview with law enforcement from February 8. ROA 527-58; 572.

The trial court invited the jury back to the courtroom and gave them the same charge on accomplice liability and conspiracy. ROA 529-530. It further informed the jury that the tapes of Beasley's interview were not in evidence so memory would have to suffice. ROA 530-31. After the jury was excused, defense counsel objected based on the example given of one person shooting another with another person present because it mirrored the facts of the case. ROA 531.

The jury ultimately returned a verdict of guilty on all counts. ROA 532-33. The trial court sentenced him to twenty-five years' imprisonment for each count of attempted murder, five years' imprisonment for possession of a firearm, ten years' imprisonment for unlawful discharge of a firearm, and five years' imprisonment for criminal conspiracy, to be served concurrently. ROA 537, 539-554.

Why the Court Should Grant Rehearing

The Court of Appeals opinion has overlooked or misapprehended issues of law that require the Court to grant this petition.

I. The court charged the jury with an improper instruction on accomplice liability.

The trial court charged the jury on accomplice liability, relying on the theory that “the hand of one is the hand of all.” For an accomplice liability instruction under South Carolina law, there must be substantial evidence that the defendant acted in concert with others and that another individual could have committed the principal act—here, the shooting. The opinion concedes that there is no direct evidence Edmunds was the shooter or even in the blue Camaro at the time of the crime. The only evidence placing Edmunds in the Camaro is a *prior inconsistent statement* by Beasley, who at trial could not recall if Edmunds was actually present. That is insufficient to warrant an accomplice liability instruction. Where the evidence does not clearly show the defendant’s participation or presence, an instruction risks allowing the jury to speculate about guilt rather than rely on facts, violating the requirement that jury charges must arise from “the evidence presented at trial.” *State v. Edwards*, 298 S. C. 272, 379 S.E.2d 888 (1989).

II. The trial court should have granted the motion for directed verdict because of the lack of substantial evidence tending to prove Edmunds guilty of the crime.

The Court of Appeals opinion errs when it found the evidence sufficient to go to the jury. Circumstantial evidence must be substantial and compelling enough to permit no other reasonable hypothesis but guilt. Here, multiple co-defendants gave inconsistent or exculpatory statements. They either did not see Edmunds, could not say what car he was in, or denied knowing who the shooter was. The fact that several cars drove together does not establish intent or agreement for

the attempted murder; at best, it demonstrates a speculative conspiracy to “get stuff back,” not a murderous plot. The appellate ruling effectively relieves the State of its burden and allows conviction purely on association and speculation. *State v. Lynch*, 412 S.C. 156, 771 S.E.2d 346 (Ct. App. 2015).

CONCLUSION

This Court should grant rehearing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Counsel hereby certifies she has served a copy of this petition for rehearing on Josh Edwards of the South Carolina Attorney General’s Office on this date, 8/6/2025 at jedwards@scag.gov.

/s/ Elizabeth Franklin-Best

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