STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HAMPTON COUNTY
Court Of General Sessions
The Honorable Robert J. Bonds, Circuit Court Judge

Appellate Case No. 2023-001824

THE STATE, Respondent,

v.

LORENZO BOLES, Appellant.

FINAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in denying Appellant's motion for directed verdict where the State produced evidence showing Appellant's car contained blood from Victim, was seen driving from the scene, and Appellant's actions established a consciousness of guilt.

STATEMENT OF THE CASE

Lorenzo Boles was indicted by the Hampton County Grand Jury, for accessory before the fact of murder and accessory before the fact of armed robbery. Appellant and his co-defendant, Tyrase Collins, proceeded to a jury trial on November 6-10, 2023, before the Honorable Robert J. Bonds. Appellant was convicted as charged and sentenced to forty-five years' imprisonment for assessor before the fact of murder and thirty years' imprisonment for assessor before the fact for armed robbery, to be served concurrently. Appellant filed a timely notice of appeal on November 20, 2023.

STATEMENT OF FACTS

At around 5:00 in the morning of March 25, 2018, Frankie Johnson, Ghazi Duckett, and Lamekia Warren were shot and killed inside Johnson's trailer. (R. 201-202, 223, 229, 249-251, 264). The trailer was located on a rural dirt road, in a secluded area, two miles from Varnville, South Carolina and was shared by two couples. (R. 181, 200, 224, 324). Duckett and Warren slept in the front bedroom and Johnson and Khadajah Williams slept in the back bedroom. (R. 202, 211).

Williams was in the bedroom alone when she heard gunshots. (R 202-203). She testified that Johnson was in the trailer but not in the room with her during the shooting. (R. 202). She stated she was not initially alarmed because gunfire itself was not unusual in the area. (R. 204). After Williams heard gunshots, she heard Duckett say, "What's up, bro?" (R. 203-204). Williams stated that after the shooting stopped, she began to walk down the hall but heard a noise and went back to hide in a closet. (R. 205-207). Williams testified she then called 911 and her parents, who lived nearby. (R. 206). She stated police eventually arrived, but she was upset with them because it took too long. (R. 207-208). She testified that she hugged Johnson on her way out of the trailer, but he was unable to hug her back. (R. 209). At that time, she was not sure if he was alive or not. (R. 209).

Michael Smith, an officer of the Varnville Police Department responded to Johnson's trailer after the 911 call. (R. 224). On his way there, Smith passed a red Dodge Charger with Texas plates. (R. 328). Smith arrived at around 5:45 AM. (R. 228). Before Smith arrived Deputy Loadholt met Williams in the yard. (R. 229). Williams told Loadholt that "everybody in the house was shot." (R. 227). When Smith and Loadholt entered the trailer, they found Johnson dead in a chair with the television on. (R. 232, 236). Smith testified that he could see the

gunshot wound and blood at that time. (R. 232-233). In the front bedroom, officers found Duckett and Warren both lying on the floor. (R. 233). Warren was deceased but EMS was called for Duckett. (R. 233). Duckett was transported but ultimately succumbed to his injuries. (R. 279, 464, 639).

Warren's mother testified that she also saw a red Dodge Charger near Johnson's trailer sometime between 5:15 and 5:45 that morning. (R. 269, 265). She further recognized the red Dodge Charger as the vehicle that Appellant always drove. (R. 267). She also stated that she was very close with Appellant and that her kids also knew Co-defendant. (R. 267).

Officers knew Appellant was associated with the red charger seen near the scene. (R. 328-329). At that time Appellant had also had outstanding arrest warrants. (R. 402). Investigators knew that Appellant was related to Co-defendant and knew where Co-defendant lived. (R. 329-330). They also knew that Appellant and Co-defendant's brother were friends. (R. 360). Co-defendant's mother testified that Appellant was her nephew, or Co-defendant's cousin. (R. 377). She further testified that friends sometimes lived with Co-defendant. (R. 383). On March 26, 2018, officers obtained and executed a search warrant in his home. (R. 353). When police arrived Appellant, and others, ran out behind the home. (R. 403).

Officers found five cartridge casings outside the trailer. (R. 346). The red Dodge Charger was also found parked outside the home. (R. 337). The vehicle was towed to an impound lot and searched pursuant to a warrant. (R. 337-339). In the vehicle, investigators found a receipt from Dollar General dated March 26, 2018, the day after the murder, and the same day the warrant was executed. (R. 353). Law enforcement later obtained security footage that morning which showed the vehicle pulling into the parking lot and Appellant get out of the vehicle. (R. 354). Officers also found three firearms in a bedroom which also contained

Co-defendant's ID. (R. 334-336). A .40 caliber Glock 23 and a .45 caliber Glock 38 were found in a bag. (R. 335, 351). While a third firearm, a 7.62 caliber, "commonly known as a Draco," was found in a dresser. (R. 336).

Johnson, one of the victims, fathered a child with Rashina Collins. (R. 387). Collins testified that the only people she ever saw who drove the red charger were Appellant, Appellant's brother, and Appellant's mother. (R. 393). Collins also testified that she bought Johnson a "Draco" firearm on February 13, 2018, upon Johnson's request. (R. 352, 389-391). After she purchased the gun, she gave it to Johnson. (R. 352, 389-391). She saw Johnson with the gun within a week of his death. (R. 390). Collins later confirmed the "Draco" firearm found in Co-defendant's bedroom was the one she purchased. (R. 387-388).

Samuel Shepard, a friend of Duckett, testified he lent Duckett a Glock 38. (R. 414-415). Aaron Stokes testified he purchased a Glock 23 from a man named Davis. (R. 544-545). During Christmas, while Stokes was away, the gun was stolen. (R. 546). Stokes testified he knew Johnson and Duckett and did not kill them. (R. 547-548).

The officers found twenty .40 caliber cartridge casings and five projectiles at the trailer. (R. 476-478). The casings and projectiles were sent to South Carolina Law Enforcement Division (SLED) for analysis. (R. 476-478). The firearms expert testified that ten of the .40 caliber cartridge casings found at the scene were fired by the .40 caliber found in Co-defendant's bedroom. (R. 476-478). The expert testified the other ten fired .40 caliber cartridge casings found in at the scene were fired by an unidentified firearm. (R. 490-491). She also stated the remaining five .40 caliber cartridge casings found in the yard were also fired by the unidentified firearm. (R. 490-491).

SLED also conducted a DNA analysis on a swab collected from the trigger of the .40 caliber handgun found in Co-defendant's bedroom. (R. 510). The expert testified that a mixture of DNA from at least four individuals was found on the swab from the firearm. (R. 568). The expert testified that the DNA profile of the major contributor to the mixture matched "the DNA profile of [Co-defendant]." (R. 594). The expert also stated the DNA profile developed from swabs collected from the Draco rifle, purchased by Collins, found in Co-defendant's bedroom, matched "the DNA profile of Frank Johnson." (R. 563). Finally, she also testified the mixture of DNA from at least three individuals was found on the magazine from the Draco which also matched "the DNA profile of Frank Johnson." (R. 564).

Investigators also collected swabs of blood from inside the red Dodge Charger. (R. 428-434). A swab was collected from the rear passenger door window button. (R. 581). The DNA expert testified that the "DNA profile of the major contributor matches the DNA profile of Frank Johnson." (R. 579-581). Johnson was also found to be a major contributor to a swab taken from below the window of the passenger door. (R. 583). Additionally, a swab collected from the backseat passenger side armrest was "presumptively positive for blood." (R. 580). The expert testified "the DNA profile is approximately 85 octillion times more likely if Frank Johnson and an unidentified individual contributed, than if two unidentified individuals contributed. And the DNA profile is, approximately, 920 sextillion times more likely that [Co-defendant] and an unidentified individual contributed versus two other individuals" (R. 592). Johnson's DNA also matched a swab from the interior rear passenger door window button and another swab from the rear passenger door. (R. 581-583). The analyst stated, "DNA profile is

approximately 440 sexdecillion times more likely if Frank Johnson and [Co-defendant] contributed to the mixture, than if two unidentified, unrelated individuals contributed." (R. 592-593). Officers initially were unable to find Appellant but ultimately arrested him in Savannah, Georgia. (R. 405).

The forensic pathologist found that Duckett and Johnson both died from a gunshot wound to the head and found the manner of both deaths to be homicide. (R. 666-667). Warren's death was also ruled a homicide, but she suffered from thirty-five gunshot wounds to her "neck, torso and extremities." (R. 667).

After the State presented its case, Appellant moved for a directed verdict. (R. 677). Counsel argued, "There is no evidence whatsoever that my client advised, urged, or assisted in any way with regard to these murders." (R. 677). The State argued that Appellant's vehicle was at the scene of the incident and that the Victim's blood was in the vehicle. (R. 680-681). While Appellant did not own the vehicle, the State clarified that Appellant controlled and operated the red charger implicated. (R. 682). The State also argued that Appellant showed consciousness of guilt by fleeing. (R. 683). The court concluded that because Appellant "operates, controls" the vehicle and the "vehicle served as assistance in this offense," the state met its burden and presented some evidence of the offense. (R. 682).

STANDARD OF REVIEW

"In criminal cases, the appellate court sits to review errors of law only." State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). In ruling on a motion for a directed verdict, the trial court is concerned with the existence of evidence rather than with its weight. State v. Kelsey, 331 S.C. 50, 502 S.E.2d 63 (1998). On appeal from the denial of a directed verdict, courts view the evidence in the light most favorable to the State. Id. If any direct evidence or substantial circumstantial evidence tending to prove the accused's guilt exists, courts must conclude the trial court properly submitted the case to the jury. State v. Dixon, 337 S.C. 455, 458, 523 S.E.2d 784, 786 (Ct. App. 1999).

ARGUMENT

The trial court correctly denied Appellant's motion for directed verdict because the State produced evidence showing Appellant's car contained blood from Victim, the vehicle was seen driving from the scene, and Appellant's actions established a consciousness of guilt.

The trial court did not err in denying Appellant's motion for directed verdict because the State showed some evidence which, when considered in the light most favorable to the State, substantially tends to prove Appellant aided Co-defendant in the commission of this murder. Appellant's vehicle was seen driving from the scene of the incident, victim's blood in the backseat ties the vehicle directly to the event, and Appellant's conduct afterwards tends to show consciousness of guilt.

Under our system of justice, the judge and jury have distinct roles when a jury trial is conducted in a criminal case. Shannon v. United States, 512 U.S. 573, 579 (1994). The judge is tasked with administering the proceedings, instructing the jury on the applicable law, and ensuring all sides receive a fair trial. See State v. Brandt, 393 S.C. 526, 549, 713 S.E.2d 591, 603 (2011) (explaining a trial judge has a duty to instruct the jury on the law applicable to the case); State v. Stanley, 365 S.C. 24, 39, 615 S.E.2d 455, 463 (Ct. App. 2005) ("A judge has a responsibility for safeguarding both the rights of the accused and the rights of the public in the administration of criminal justice."). Meanwhile, the jury alone has the task of finding the facts, weighing the evidence, choosing what inferences should be drawn from it, and ultimately deciding whether the State has met its burden of proving the defendant's guilt beyond a reasonable doubt. See United States v. Gaudin, 515 U.S. 506, 514 (1995) ("[T]he jury's constitutional responsibility is not merely to determine the facts, but to apply the law to those facts and draw the ultimate conclusion of guilt or innocence.").

"When ruling on a motion for a directed verdict, the trial court is concerned only with the existence of evidence, not its weight. A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged. 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. If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, this Court must find the case was properly submitted to the jury." State v. Weston, 367 S.C. 279, 292-293, 625 S.E.2d 641, 648 (2006) (citing State v. Cherry, 361 S.C. 588, 591-592, 606 S.E.2d 475, 477-478 (2004)). By doing so under such circumstances, the trial judge correctly avoids improperly encroaching upon the jury's exclusive role to find the facts, weigh the evidence, evaluate witness credibility, and resolve any evidentiary conflicts that may have arisen during trial. See Jackson v. Virginia, 443 U.S. 307, 319 (1979) ("[The directed verdict] 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.").

On an appeal from the trial court's denial of a motion for a directed verdict, the appellate court may only reverse the trial court if there is no evidence to support the trial court's ruling. State v. Gaster, 349 S.C. 545, 555, 564 S.E.2d 87, 92 (2002).

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.**

Jackson v. Virginia, 443 U.S. 307, 319 (1979) (emphasis added). "When evidence is susceptible of more than one reasonable inference, questions of fact must be submitted to the jury." State v. Richburg, 250 S.C. 451, 459, 158 S.E.2d 769, 772 (1968). When it comes to testimony appellate courts consider only the existence or non-existence of evidence, not witness credibility, in reviewing the denial of a directed verdict. State v. Cherry, 348 S.C. 281, 559 S.E.2d 297 (App. 2001) (affirmed in result 361 S.C. 588, 606 S.E.2d 475).

Our Supreme Court found that, in a robbery case, evidence that defendant's blood and fingerprint were found in a community room near missing and dislodged televisions was enough to survive a directed verdict motion. State v. Bennett, 415 S.C. 232, 781 S.E.2d 352 (2016). The court found the case should be presented to the jury even though Defendant presented plausible explanations for all the State's evidence. Id.

Similarly, our Supreme Court concluded a directed verdict motion was properly denied during trial where, amongst other things, evidence was presented linking defendant to a vehicle observed at the scene of a burglary. State v. Lane, 410 S.C. 505, 506-507, 765 S.E.2d 557, 557-558 (2014). In Lane, the Court found substantial evidence existed in the form of (1) a witness observed defendant's vehicle parked in victim's driveway; (2) the witness observed a person walk from the car to the front door and back; (3) the victim found a piece of paper belonging to the defendant; (4) defendant was initially evasive with police and asked his girlfriend's mother to lie; (4) defendant admitted to police he drove the vehicle on the day in question. Id.

Conversely, in Bostick and Arnold our Supreme Court found the directed verdicts should have been granted. State v. Bostick, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011); State v. Arnold, 361 S.C. 386, 605 S.E.2d 529 (2004). Yet, our Supreme Court has sense specifically noted that "in this area of ever-evolving jurisprudence our inquiry is necessarily fact-intensive;

therefore, the holdings in those cases are limited to their peculiar facts." State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016).

Here, the State produced some evidence that Appellant assisted co-defendant by establishing that the vehicle Appellant had control of was both near the incident, contained Johnson's blood, was driven by Appellant shortly after the murder, and Appellant and Appellant's car were at Co-defendant's house when police arrived. Testimony from Collins indicates that the charger was not commonly lent out but rather used by Appellant, his brother, and their mother. (R. 393). Also, Appellant fled when police arrived and was later found in Savannah. Here, the evidence goes beyond merely raising a suspicion of Appellant's guilt. Cherry, 348 S.C. 281, 559 S.E.2d 297 (noting a judge "should grant a directed verdict motion when the evidence merely raises a suspicion that the accused is guilty"). These particular facts present a close nexus to the crime charged. Accessory before the fact does not concern proximity to the scene of the incident but rather that "the defendant advised and agreed, or urged the parties or in some way aided them, to commit the offense." State v. Bixby, 373 S.C. 74, 644 S.E.2d 54 (2007).

The State presented substantial evidence that the vehicle that was under the operation and control of Appellant was used to murder the victim's inside the trailer. The vehicle evidence coupled with Appellant's flight upon the arrival of police established more than mere suspicion that he aided Co-defendant in the commission of this act. Considered in the light most favorable to the State, Appellant's flight from officers and control of the vehicle after the incident constitute some substantial evidence of Appellant's knowledge of the murder. Like in Lane, witnesses observed Appellant's vehicle, evidence tied the vehicle to the scene of the crime, and Appellant showed consciousness of guilt. Whether evidence established Appellant's guilt beyond a reasonable doubt was exclusively within the jury's purview. See United States v. Lepanto, 817

F.2d 1463, 1467 (10th Cir. 1987) ("Defendant's knowledge of the underlying offense may be proven entirely by circumstantial evidence."); Watson v. Ford Motor Co., 389 S.C. 434, 445, 699 S.E.2d 169, 174-175 (2010) ("The jury serves as the fact finder and is charged with the duty of weighing the evidence admitted at trial and reaching a verdict. . . . [I]t is exclusively within the jury's province to decide how much weight the evidence deserves."); 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.").

The trial court properly presented the case to the jury because the evidence concerning use of Appellant's vehicle and consciousness of guilt reasonably tend to prove Appellant's guilt. See Bennett, 415 S.C. 232, 236–37, 781 S.E.2d 352, 354 ("[W]hen ruling on a directed verdict motion, the trial court views the evidence in the light most favorable to the State and must submit the case to the jury if there is 'any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced.'"). Accordingly, the State met its burden and the motion was properly denied. Appellant's conviction should be affirmed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

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September 15, 2025

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PROOF OF SERVICE

I, Grace Sommer, certify that I have served the within Final Brief of Respondent on Lara Caudy, Esquire, counsel of record for the Appellant by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.
This 15th day of September, 2025.

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