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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Deadra L. Jefferson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHAMAR LATRELL STANLEY,

APPELLANT

APPELLATE CASE NO. 2024-001877

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

1.

Did the trial court err in allowing a police officer to testify that he began investigating "Trell" when this statement could only be the result of inadmissible hearsay?

2.

Did the trial court err in refusing to excuse for cause Juror 174, who was employed by the solicitor's office?

STATEMENT OF THE CASE

Appellant Shamar Latrell Stanley and his co-defendant Kassiem Taiquon Mitchell, were indicted in Charleston County for two counts of murder and weapons charges. R. ___ (Indictments). On October 28, they were tried together before the Honorable Deadra L. Jefferson and a jury. Tr. 1. Timothy F. Finch and Jewell Gearding represented the State. Tr. 2. Melissa Gay and Sarah Norton represented co-defendant Mitchell. Tr. 2. Helen R. Dovell and Douglas Henley represented appellant. Tr. 2. The jury convicted appellant. Tr. 1205-06. The jury acquitted Mitchell. Tr. 1239-40. Judge Jefferson sentenced appellant to concurrent terms totaling forty years' imprisonment. Tr. 1234. This appeal follows.

STANDARD OF REVIEW

The errors in this case are governed by the abuse of discretion standard of review. State v. King, 422 S.C. 47, 54, 810 S.E.2d 18, 22 (2017).

DISCUSSION

1.

The trial court erred in allowing a police officer to testify that he began investigating "Trell" when this statement could only be the result of inadmissible hearsay.

Introduction

The State knew it needed a hearsay identification of appellant Shamar Latrell Stanley ("Stanley") to bolster its weak case. This circumstantial murder case boiled down to identification and reasonable doubt. The State theorized that Stanley and his co-defendant, Kassiem Mitchell ("Mitchell") robbed, shot, and killed the two decedents, but the jury in part rejected the State's evidence by its acquittal of Mitchell. The State's best evidence was a tainted identification of Stanley by his girlfriend in a grainy video from a camera across the street from the shooting. Tr. 1002-03. Tr. 1008-12. State's Ex. 1. Without bolstering this identification with inadmissible hearsay an officer learned from people he "talked to at the scene," Stanley also would have been acquitted. Tr. 461-63. Tr. 477-87.

Factual Background

On September 15, 2019, someone shot and killed Antonio Heyward ("Heyward") and J'Quan Brown ("Brown") in their home in North Charleston. Tr. 1045-48. Heyward was a drug dealer who likely kept large quantities of cash in his home. Tr. 446. A neighbor's video camera captured footage of a gray Nissan Altima that pulled in front of the home.[1] (State's Ex. 1). Someone got out of the Altima and spoke with someone who came out of the home. (State's Ex. 1). The person returned to the Altima, the car drove around to the other side of the home, and then two men went inside the trailer for approximately two minutes. (State's Ex. 1).

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[1] The relevant portion of State's Ex. 1 begins at approximately 1:42:31 on the player's timer and at 12:46:03 on the time emebedded in the video.

The video then shows one of the men from the car leaving the home in a hurry carrying a bag. (State's Ex. 1). The other man stands at the threshold of the trailer, stuffing items into his pockets. (State's Ex. 1). One object floats away from this man and the police found a five-dollar bill. Tr. 459. (State's Ex. 1). He then runs to the car and the Altima drives away. (State's Ex. 1).

The surveillance camera did not capture the Altima's license plate. Tr. 1140. Other surveillance cameras in the area captured a Nissan Altima's tag and this car belonged to Demetria Ravenell ("Ravenell"), Stanley's former live-in girlfriend. Tr. 1016-1018. On September 19, 2025, the police saw Ravenell's Altima and attempted a traffic stop. Tr. 975-78. Tr. 987. The car did not immediately stop and police eventually rammed it, disabling the vehicle. Tr. 975-78. Stanley, the driver, was arrested. Tr. 975-78. Tr. 828. During the arrest, Stanley told the officer filling out the towing report that he and Ravenell were the only people who drove the Altima. Tr. 985.

On the same day the police arrested Stanley, Ravennell went to the station for questioning. Tr. 1009-1012. She answered questions about Stanley's activities and what he was wearing on the day of the shooting. Tr. 1009-1012. She told police the only hoodie she saw Stanley wearing that morning was an orange or peach hoodie. Tr. 1011. Some time after her arrival and after the questions about Stanley, the police had her identify him from the across-the-street video. Tr. 1009-12. She made the same identification before the jury. Tr. 1002-03. The man Ravenell identified in the video is wearing a blue sweatshirt or jacket, not an orange/peach hoodie as she originally told police. Tr. 1011. (State's Ex. 1). Defense counsel argued the questioning before the identification was a technique known as "priming" and tainted the identification. Tr. 1139.

Text messages from Heyward's phone to the phone number identified as belonging to Stanley showed that the two communicated briefly before the incident. The phone records indicate that Heyward missed a call from what the police said was Stanley's number before texting it "who dis?" Tr. 642. The other number responded "Trell." Tr. 642. Records showed several phone calls between the phones until shortly before the shootings. Tr. 642.

The data pulled from Stanley's cell phone was used, in part, to show its location on the day of these shootings. R. ___ (State's Ex 142). A State's witness testified, and showed a map to the jury, that Stanley's cellphone was in the general area of the incident in the minutes leading up to the incident. Tr. 865. R. ___ (State's Ex 142). But the State presented no evidence of a murder weapon, no fingerprints, and no DNA evidence. Tr. 1143-45. The solicitors claimed Stanley, while he was sitting in an interview room alone (after giving a statement that Judge Jefferson suppressed because the police failed to administer Miranda warnings) said he was going to hell, and this indicated consciousness of guilt. Tr. 830. Tr. 813-19. Tr. 1106. Tr. 1126. (State's Ex. 189). Defense counsel argued that what Stanley said was not so clear, and could have been something "like, 'them boys hell, bra.'" Tr. 1138.

Shortly after the two men left the house where the shooting happened, the video showed another man leaving.[2] (State's Ex. 1). This man was Santonio Scott ("Scott"), who also lived in the home. Tr. 1038-39. Scott said he was in bed with his young son when he heard gunshots. Tr. 1042-48. He hid under the bed while hearing "rumbling" in the house. Tr. 1045-46. He did not hear anyone talking. Tr. 1047. When he emerged, he saw Heyward and Brown dead on the floor of the living room. Tr. 1048. Scott's girlfriend, Anaijah Green ("Green"), came to pick him up. Tr. 1048-49. Scott made multiple trips inside the house before they left. Tr. 1054. He took

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2 This portion of State's Ex. 1 begins at approximately 1:47:20 on the player and 12:50:52 on the time embedded in the video.

his gun, some marijuana, items belonging to his son, and a bag with his "shower clothes" out of the house. Tr. 1054-56. Scott did not call the police. Tr. 1049-50. Scott was not charged.

The State's Attempts to Identify "Trell" with Hearsay

Green, Scott's girlfriend, was the State's first witness. Tr. 360. She described picking up the agitated Scott at the scene, disbelieving him about the shooting, and walking into the house to see the dead bodies for herself. Tr. 363-65. She also saw "a lot of marijuana on the floor." Tr. 365. When they left, Green said Scott was "on the phone with someone" and defense counsel made a hearsay objection. Tr. 370. Judge Jefferson overruled the objection, but cautioned Green "not to say what anyone said." Tr. 370.

Shortly after this caution, the solicitor asked whether Green heard Scott "say anything on the phone." Tr. 371. Appellant objected and the court had the solicitor repeat the questions. Tr. 372-73. The solicitor then asked "What did you hear [Scott] say?" and Judge Jefferson excused the jury after appellant's objection. Tr. 373. The solicitor proffered Green's testimony, which was that she heard Scott say to an unknown person that Heyward said, "'No, Trell.'" Tr. 374. Judge Jefferson sustained appellant's hearsay objection after brief argument. Tr. 375-78.

The State called former North Charleston police officer Charles Benton who investigated the scene on the day of the shootings. Tr. 450-53. Officer Benton testified that when he got there, he spoke with other officers to find out what happened. Tr. 452. He also testified he "spoke to multiple people" in response to the solicitor's question of whether he spoke to "laypeople" or "citizens." Tr. 452. That night, he looked at the video from across the street. Tr. 460-61.

The solicitor then asked what Officer Benton did next. Tr. 461. He said he began looking at Heyward's Facebook pages. Tr. 461. Appellant first objected based on relevance. Tr. 461. The court had the solicitor restate the question. Tr. 461. The following colloquy occurred:

> Q. Was the evidence we just discussed in the photographs the only information you had about the case?
>
> A. No, sir.
>
> Q. Had you—had you heard other things about the case from people you talked to at the scene?
>
> A. Yes, sir.
>
> Ms. Dovell: Objection, Your Honor; hearsay.
>
> The Court: Please approach.
>
> (Bench conference off the record.)
>
> The Court: The objection is overruled. He's not to repeat what anyone said to him. **We do not have investigative hearsay**. He can only say what he did within the scope of his employment and within the range of his duties and responsibilities. Please rephrase the question.
>
> By Mr. Finch:
>
> Q. On the 16th, what investigative steps did you take? What actions did you take when you went back into work?
>
> A. I looked on Mr. Heyward's Facebook page. I went down his friends list, and I was looking for any friends that were on his list with the name of Trell."

Tr. 461-62 (emphasis added). Officer Benton then described finding a screen name of "YGG Trell" in Heyward's list of friends and then connecting that page to appellant. Tr. 462-64.

The State tried again to get the name "Trell" in through hearsay while Officer Benton was still on the stand, but the trial judge correctly prevented this attempt. Co-defendant Mitchell's attorney asked Officer Benton who he interviewed at the scene and he agreed he interviewed

Crystal Seabrook. Tr. 468-69. Before redirect, the court sent the jury out and heard a proffer from the State. Tr. 469. The solicitor asked Officer Benton what Seabrook told him and he replied, "Ms. Seabrook told us that she heard that somebody named Trell was involved in the homicide." Tr. 469-70. After a lengthy argument, the court refused to allow this questioning because it was hearsay and ruled that Mitchell's attorney did not open the door. Tr. 471-89.

During the argument about the Seabrook hearsay, defense counsel placed her argument on the record about her earlier hearsay objection that was overruled. Tr. 477-87. Referencing Judge Jefferson's claim that "there is no investigative hearsay," defense counsel pointed the court to State v. King, 422 S.C. 47, 810 S.E.2d 18 (2017) and argued King prohibits an officer from getting around the hearsay rules by saying what he did during his investigation. Tr. 477-87. The court stated again during argument that an officer "can testify after conversations what he [did] as a result. He just can't repeat what someone told him." Tr. 481. The court did not reverse its earlier ruling on hearsay. Tr. 477-87.

Legal Discussion

The trial court erred in overruling appellant's objection because it was the end-run around the hearsay rules prohibited by King, the precise case defense counsel cited. King involved hearsay from another North Charleston police officer who also testified in appellant's trial, Officer Jennifer Butler. King at 64-68, 810 S.E.2d at 27-29. In King, Officer Butler testified that she canvassed the neighborhood after a shooting, talked to two people, and learned that approximately three or four shots were fired. Id. at 52, 810 S.E.2d at 20-21. The Supreme Court found the testimony was improper and involved "a straightforward hearsay analysis." Id. at 64-68, 810 S.E.2d at 27-29.

Officer Butler's testimony in King "was hearsay as it was based exclusively on what the witnesses told her during the neighborhood canvas and was offered to prove the number of shots fired by the defendant. Id. The Court then cautioned prosecutors "against using 'investigative information' as it appears this is an attempt to circumvent the rules against hearsay." Id. King quoted the Supreme Court of Kentucky's analysis in Ruiz v. Commonwealth, 471 S.W.3d 675, 680-82 (Ky. 2015), which dispelled the notion that an exception for investigative hearsay exists and that out-of-court statements to police officers offered for the truth of the matter asserted are to be judged like any other hearsay. King at 64-68, 810 S.E.2d at 27-29.

The court erred in not realizing the State was doing the same thing in appellant's case that the Supreme Court prohibited in King. Just like in King, Officer Benton said he heard things from people at the scene and the next thing he did was look for someone named "Trell" on Heyward's Facebook page. The only inference is that one of these people told Officer Benton at the scene that "Trell" was involved in the shooting. The State confirmed this inference when it attempted to get in the rank hearsay that Seabrook told Benton she heard from other people that Trell was involved. See State v. Middleton, 441 S.C. 55, 65-67, 893 S.E.2d 279, (2023) (rejecting State's explanation that challenged evidence was a legitimate attempt to explain their investigation). With Ravenell's shaky identification being the prime evidence linking "Trell" to the scene, and the video's clarity insufficient to see the suspect's face, this error cannot be harmless and this Court should reverse.

2.

<u>The trial court erred in refusing to excuse for cause Juror 174, who was employed by the solicitor's office.</u>

During voir dire, the court asked the lawyers to introduce themselves to the venire. Tr. 34-35. The solicitor introduced himself and said, "I'm an assistant solicitor with the 9th circuit solicitor's office." Tr. 35. He listed all of the lawyers employed by the Ninth Circuit Solicitor's Office. Tr. 35-36.

The court later asked whether any juror had any ties to any of the attorneys involved in the case. Tr. 41. Juror 174 stood and when the court asked where she was employed, she responded. "The Ninth Circuit Solicitor's Office." Tr. 41. In response to the court's subsequent questions, Juror 174 said she had no personal involvement in the case, no personal knowledge of the case, and that she could be fair and impartial. Tr. 41-42.

The first juror presented for strikes was Juror 174. Tr. 50. Both lawyers began to object and said they had a matter of law. Tr. 50. The trial judge responded:

> The Court: No, we do not. She is qualified as a juror. You can exercise peremptory challenge if you decide you want to. I did make an inquiry first of whether she had any involvement in this case or any personal knowledge, and she answered negatively.
>
> Ms. Gay: However, she does work with every single person there.
>
> The Court: I have ruled. She's indicated to me [she] can be fair and impartial. You can exercise a peremptory challenge if you so desire.
>
> Ms. Dovell: Your Honor, in light of your—your ruling, I will exercise a peremptory challenge. I do believe—
>
> The Court: I did not ask for speaking objections—
>
> Ms. Dovell: --thank you, Judge.

The Court: --especially not in the presence of the panel.

Ms. Dovell: Thank you, Judge.

The Court: It's noted and overruled. She struck—Ms.—let me get these names correct—Ms. Dovell has struck No. 174.

Tr. 50-51. The defense used all of their peremptory strikes. Tr. 50-62.

Employees of a party should be struck for cause. The trial judge erred in not striking for cause an employee of the solicitor's office prosecuting the defendant. Appellant had the right to an impartial jury. U.S. Const. amends. VI, XIV. While trial judges are vested with great discretion in determining whether a potential juror is qualified, this discretion has limits. State v. Jones, 440 S.C. 214, 891 S.E.2d 347 (2023) (stating standard of review for juror challenges in capital cases); State v. Rowell, 444 S.C. 109, 906 S.E.2d 554 (2024) (discussing prejudice standard when a juror fails to disclose information during voir dire).

South Carolina recognizes that potential jurors with even tangential pecuniary interests in the outcome of a case must be excused. "A stockholder in a corporation is incompetent to serve as a juror in a case in which the corporation is a party or has any pecuniary interest." Southern Bell Tel. & Tele. Co. v. Shepard, 262 S.C. 217, 221-22, 204 S.E.2d 11, 11-12 (1974). In Shepard, the trial court asked whether any juror was employed by Southern Bell or AT&T, but refused to ask whether any jurors owned stock. Id. The Supreme Court reversed, finding that the appellant had the legal right to find whether any juror had an interest in the cause as a stockholder. Id.

In a more recent case, an even more tangential financial interest sufficed to disqualify a juror. Alston v. Black River Elec. Co-op, 345 S.C. 323, 548 S.E.2d 858 (2001). In Alston, potential jurors identified themselves as "customers, i.e., members" of the defendant electric co-operative. Id. at 326, 548 S.E.2d at 859. The plaintiff asked the trial court to remove these jurors

for cause, but the trial court refused. Id. The Supreme Court adopted a per se rule of disqualification of jurors who are members of an electric co-operative because their right to receive distributions could be affected by a verdict. Id. The Court stressed that "it is fundamental that each party is entitled to a trial by an impartial jury." Id. at 329, 548 S.E.2d at 861. If a concern that someone's electric company might not add credits to a bill is sufficient to excuse a potential juror, then a juror's employment with a party should also be sufficient.

Older case law states that jurors are not automatically disqualified because of their relationship with the attorneys trying the case. See State v. Nicholson, 221 S.C. 399, 70 S.E.2d 632 (1952). In Nicholson, the trial court refused to disqualify the solicitor's brother. Id. at 406-07, 70 S.E.2d at 635. The defendant had to use a peremptory strike. Id. The Court first expressed its surprise that the solicitor did not join defense counsel in asking for his brother to be excused.[3] Id. But the Court then held nothing required disqualification of the solicitor's brother as a matter of law. Id. The Court said no rule of common law or statute mandated "disqualifying a juror on account of his relationship to an attorney in the case, either by affinity or consanguinity, within any degree." Id. The defendant also failed to use all of his peremptory strikes and the juror was not asked about whether he could be impartial. Id. Here, appellant used all of his peremptory strikes.

In State v. Gulledge, 277 S.C. 368, 287 S.E.2d 488 (1982), a juror concealment case, the Court stated that a juror's relation by blood or marriage to a police officer involved in the case did not require automatic disqualification. The Court reversed because the concealment prevented the defense from making a challenge for cause or using a peremptory strike. Id. See also Crosby v. Southeast Zayre, Inc., 274 S.C. 519, 265 S.E.2d 517 (1980) (reversing because

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[3] Similarly, when Juror 174 was presented, the solicitor said only, "Please seat the juror." Tr. 50.

trial court refused to ask about relationships between jurors and the law firms). A distinction here is that these cases deal with relationships and affinity, not with employment of the potential juror by a party. Here, the juror was an employee of the solicitor's office prosecuting in the name of the State.

In a case from Florida, the intermediate appellate court found error in a trial judge's refusal to strike for cause an attorney working as a prosecutor in the same office prosecuting the defendant. Bethel v. State, 122 So.3d 944, 947-48 (Fla. Dist. Ct. App. 2013). Just like here, the potential juror/employee said she could be fair. Id. The inquiry of the juror in Bethel was more intense than in appellant's case because lawyers can conduct voir dire in Florida. Id. The lawyers repeatedly asked whether the juror could be fair in several different ways and she insisted she could. Id. Despite these assertions, the court held it was error because her "assurances do not overcome our conclusion that each assistant state attorney in an office charged with prosecuting a defendant has a sufficient interest to warrant disqualification from that defendant's jury pursuant to section 40.013(3), Florida Statutes." Id. See also State v. West, 200 S.E.2d 859, 865-66 (W. Va. 1973) ("But when the defendant can demonstrate even a tenuous relationship between a prospective juror and any prosecutorial or enforcement arm of State government, defendant's challenge for cause should be sustained by the court.").

A case from Georgia illustrates that the appearance of impropriety and bias that results from putting even a non-lawyer employee of a prosecutor's office on a criminal defendant's jury is reason enough to excuse such jurors for cause. Beam v. State, 400 S.E.2d 327, 327-28 (1991) rev'd on other grounds by Willis v. State, 820 S.E.2d 640, 658 (2018) (removing presumption of prejudice from use of peremptory strike). In Beam, the juror was a secretary in the prosecutor's appellate section. Id. at n.2. Reversing, the court wrote, "Even if the juror in this case was

actually unbiased, her service as a juror while she was an employee of the same district attorney who prosecuted the appellant created a substantial appearance of impropriety." Id. at 328. "The trial court should have stricken the juror to preserve public respect for the integrity of the judicial process." Id.

The reasoning of the Georgia court in Bell is sound and should be applied by this Court. Employees of the solicitor's office should not sit in judgment on cases prosecuted by that office. The solicitor's office should have joined in the objection, as our Supreme Court noted in Nicholson. But without the solicitor's cooperation, and with the trial court's error, appellant had no option but to use a peremptory strike that could have been reserved for another juror. This Court should reverse.

CONCLUSION

For the foregoing reasons, appellant's convictions should be reversed and this case remanded for a new trial.

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ATTORNEY FOR APPELLANT

This 19th day of September, 2025.