

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Frank R. Addy, Circuit Court Judge

RECEIVED

Oct 22 2025

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNETH DAWSON,

APPELLANT

APPELLATE CASE NO. 2025-000114

ANDERS BRIEF OF APPELLANT

DAVID ALEXANDER
Deputy Chief Attorney for Capital Appeals

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Division of Appellate Defense
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

When it was undisputed the decedent died from a stab wound, did the trial court err in admitting graphic photographs of the wound and a body cam video from the scene in violation of Rule 403, SCRE?

STATEMENT OF THE CASE

Appellant Kenneth Dawson was indicted in Charleston County for murder and a weapons charge and on January 13, 2025, was tried before the Honorable Frank R. Addy and a jury. R. 1. Mallory V. Haliena and J. Durham Hill represented the State. R. 1. Rachel C. Arora and E. Ted Smith represented appellant. R. 1. The jury convicted appellant. R. 406-07. Judge Addy sentenced appellant to life imprisonment for murder and imposed no sentence on the weapons charge. R. 424. This appeal follows.

STANDARD OF REVIEW

The abuse of discretion standard governs this evidentiary issue. State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002).

ARGUMENT

When it was undisputed the decedent died from a stab wound, the trial court erred in admitting graphic photographs of the wound and a body cam video from the scene in violation of Rule 403, SCRE.

The defense never contested that the decedent, Olivia Goff, died from a single stab wound to the chest. R. 106-07. Dawson testified in his own defense. Dawson met Goff when they worked together at a restaurant. R. 323. They met in November 2019 and broke up in May 2020. R. 323-24.

On June 13, 2020, Dawson worked that morning and then returned to his residence. R. 325-27. Goff's new boyfriend, Elbert Simpkins, began calling Dawson on his cell phone and land line. R. 327-30. Simpkins made repeated threats against Dawson. R. 327-30. He continued calling even though Dawson would hang up on him. R. 327-30. Simpkins then made threatening comments about Dawson's daughter. R. 327-30.

Dawson decided to go to Goff's family's house because he did not know where Goff or Simpkins lived. R. 327-30. When he got to the house, Dawson saw Goff and Simpkins. R. 330. Dawson approached Simpkins and asked why he was calling. R. 330. Dawson was about six feet away from Simpkins. R. 330-331. They began arguing and Simpkins drew a black knife. R. 331.

Dawson was scared and nervous. R. 331. Dawson drew his own brown-handled knife from his back pocket to defend himself. R. 331-32. Simpkins then stood behind Goff and pushed Goff at Dawson. R. 332. Dawson admitted that because Simpkins pushed Goff at him, he accidentally stabbed her. R. 350-51.

Dawson panicked and ran back to his residence. R. 332. Several of Goff's family members were on the porch and two of them chased Dawson. R. 146-47. R. 166-68. The police arrived and followed the family members. R. 167. An officer saw Dawson enter his room. R. 237. The officer testified he got the master key to the room and arrested Dawson. R. 238-39. Dawson testified he voluntarily let the police into the room. R. 344-45.

Dawson gave a statement to the police after his arrest. R. 334. State's Ex. 30. His statement conflicted with his trial testimony because he was afraid and the detective pressured him. R. 334. The State used Dawson's statement to claim he acted with malice and killed Goff because he saw her with another man. R. 280-82. State's Ex. 30. One of Goff's family members claimed Dawson jumped out of the bushes when Goff was alone, stabbed her once, then ran. R. 165.

Goff's other family members testified that Goff made her way to their front porch after the accident. R. 130. Goff's aunt said Goff told her that Dawson stabbed her. R. 130-131. The family called 911, but the stab wound penetrated Goff's aorta and heart and the pathologist said she would have died within minutes. R. 131. R. 221-22. R. 226-27.

Before trial, Judge Addy heard argument on appellant's motion to exclude graphic photographs and a body-cam video showing Goff's wound and blood on the porch. R. 84-93. Defense counsel argued the unfair prejudice of the evidence outweighed any probative value and cited Rule 403 and State v. Nelson, 440 S.C. 413, 891 S.E.2d 508 (2023). R. 84-93. Appellant argued that because it was undisputed that Goff died from a stab wound, the photographs had no probative value. R. 84-93. "We agree that she was stabbed, and we don't plan on disagreeing with anything that's in the autopsy report." R. 85. Defense counsel also argued that the body cam video would elicit unnecessary sympathy for Goff's family because it showed them with her

on the porch as she was dying. R. 86. The State argued it needed the evidence to prove malice. R. 87-89. The trial judge ruled the photographs and video were not graphic and were admissible. R. 89-93. Appellant renewed his objections to State's Exhibits 6, 7, 15, and 16 when the State offered them during the trial. R. 179, 199, 221.

The trial court erred in admitting the photographs and the video because the evidence had zero probative value and was outweighed by the unfair prejudice. As defense counsel correctly argued, the evidence lacked any probative value because the manner and place of death were undisputed based on Nelson. "Under Rule 403, SCRE, relevant evidence may be excluded where its probative value is substantially outweighed by the danger of unfair prejudice." Nelson at 420, 891 S.E.2d at 511. In Nelson, the only question was the identity of the murderer, not the manner of death. Id. at 424, 891 S.E.2d at 513-14. The probative value of the autopsy photographs was therefore nonexistent, especially after the pathologist ably explained the wounds. Id.

Here, Dawson admitted to stabbing Goff, but testified it was an accident. Like in Nelson, the photographs and video had no probative value as the case became a credibility contest between Dawson and the State's witnesses. The photographs and the video added nothing to the State's case except sympathy and unfair prejudice.

State's Exhibit 7 is an autopsy photograph. It shows the stab wound next to a ruler. The wound is bloody and graphic. State's Exhibits 15 and 16 show blood pooled on the porch. The blood is bright red and graphic. The body-cam video, State's Exhibit 6, shows Goff's family frantically trying to keep her alive as EMS arrives. These witnesses testified at trial. The jury could not help but feel sympathy for Goff's family, but the evidence added nothing of importance to any fact at issue.

The court charged the jury on accident and on self-defense. R. 399-402. The jury was called on to decide between the defendant's testimony versus the family's description of events. In this credibility contest, the error of admitting these graphic exhibits cannot be harmless. See State v. Stukes, 416 S.C. 493, 787 S.E.2d 480 (2016) (noting that when cases are primarily credibility contests, harmless error is a high bar for the State to clear). Errors must be harmless beyond a reasonable doubt. State v. Collins, 409 S.C. 524, 537, 763 S.E.2d 22, 29 (2014). The error in admitting these graphic photographs that only served to elicit sympathy from the jurors was not harmless beyond a reasonable doubt and this Court should reverse appellant's convictions and remand for a new trial.

CONCLUSION

For the foregoing reasons, this Court should reverse appellant's convictions and remand for a new trial.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

This 22nd day of October, 2025.

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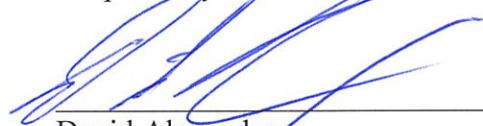
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Kenneth Dawson states:

1. He is Deputy Chief Attorney For Capital Appeals for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge Frank R. Addy, which was held on Jan. 13-15, 2025, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S. Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

Wherefore, he asks the Court to relieve him as counsel for Kenneth Dawson.

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictments: 2024-GS-10-02850, 2024-GS-10-02851
- (2) Sentencing Sheets: 2024-GS-10-02850, 2024-GS-10-02851
- (3) Trial Transcript dated January 13-15, 2025
- (4) State's Ex. 6 (Body Cam Video) (to be transported)
- (5) State's Ex. 7, 14, 15, 16 (Photographs) (to be transported)
- (6) State's Ex. 30 (Video Interview of Defendant) (to be transported)

I certify that this designation contains no matter which is irrelevant to this appeal.


David Alexander
Deputy Chief Attorney For Capital Appeals

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ATTORNEY FOR APPELLANT

This 22nd day of October, 2025.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Kenneth Dawson, #137866, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 22nd day of October, 2025.



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