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Oct 23 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to Hampton County

Honorable Eugene C. Griffith, Circuit Court Judge

SIDNEY ANTOINE HOLMES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001946

BRIEF OF PETITIONER

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ATTORNEY FOR PETITIONER

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ISSUE PRESENTED

Trial counsel erred in failing to object to the solicitor's closing comments that vouched for the credibility of the only eyewitness who testified at trial and actually **identified** the shooter as this constituted impermissible bolstering that prejudiced the defense because petitioner presented an alibi defense and no overwhelming proof (neither direct evidence nor **substantial** circumstantial evidence) was submitted by the state establishing petitioner's guilt on the charges filed against him.

STATEMENT

Petitioner Sidney Holmes was found guilty of murder, unlawful carrying of a pistol, discharge of a firearm at or into a dwelling or structure, and possession of a weapon during the commission of a violent crime per jury trial held during the March, 2017 term of the Hampton County General Sessions Court before Judge Perry M. Buckner, III. App. 1-294. Petitioner was sentenced to imprisonment for a term of fifty-one years. Assistant Solicitors Randolph Murdaugh and R. Alexander Murdaugh prosecuted the case, and Attorney Robert Hughes represented petitioner at trial.

Petitioner appealed, but his case was dismissed by the South Carolina Court of Appeals. See State v. Holmes, Unpublished Op. No. 2018-UP-384 (S.C. Ct. App. filed October 17, 2018).

On December 12, 2018, petitioner filed a PCR application with the Hampton County Office of the Clerk of Court. App. 296-305. The respondent filed a Return dated March 13, 2019. App. 306-312.

A PCR hearing was held on August 13, 2021, at the Hampton County Courthouse before Judge Eugene C. Griffith, Junior. App. 313-344. Petitioner was present at the hearing and represented by James K. Falk, Esquire, and Assistant Attorney General Samantha J. Weidauer appeared on behalf of the state. On December 7, 2023, Judge Griffith filed an Order of Dismissal in the case therein denying petitioner's allegations of ineffective assistance of trial counsel. App. 345-357.

Petitioner appealed Judge Griffith's Order of Dismissal and filed a Petition for Writ of Certiorari with this Court on March 8, 2024. The Respondent filed a Return on July 22, 2024. On September 23, 2025, this Court granted the Petition. This Brief of Petitioner follows.

STANDARD OF REVIEW

In post-conviction relief proceedings, the burden of proof is on the applicant to prove the allegations in his application. Speaks v. State, 399 S.E.2d 512 (2008). An appellate court will defer to a PCR court's findings of fact and will uphold them if there is evidence in the record to support them. Smalls v State, 422 S.C. 174, 810 S.E.2d 839 (2018). However, an appellate court reviews questions of law de novo with no deference to the trial courts. Smalls v. State, supra.

ARGUMENT

Trial counsel erred in failing to object to the solicitor's closing comments that vouched for the credibility of the only eyewitness who testified at trial and actually **identified** the shooter as this constituted impermissible bolstering that prejudiced the defense because petitioner presented an alibi defense and no overwhelming proof (neither direct evidence nor **substantial** circumstantial evidence) was submitted by the state establishing petitioner's guilt on the charges filed against him.

Petitioner was convicted of the murder of one Steve Cochran, who was a maintenance employee at Hampton Gardens Apartments in Hampton, South Carolina. The perpetrator used a firearm to shoot Cochran. The shooting occurred on August 1, 2015, at Hampton Garden Apartments. Eyewitnesses Zandra Bryant and Courtney Russell were present at the scene during the shooting occurred, and both Bryant and Russell testified at trial. The shooter was a male according to their accounts of the event; however, Russell did not recognize the shooter and referred to him as an unknown male. Bryant **identified** the male shooter as petitioner, who was also known as "Banger." Kentravia Brown, who was also present at the crime scene, did not testify at trial.

Zandra Bryant testified that on August 1, 2015, she witnessed Steve Cochran expel a group of rowdy men from the apartment complex, and that they appeared to be mad about having to leave the area. Bryant stated that later on that same date, a male whom she recognized as petitioner, also known as Banger, arrived on the premises near the apartment office where she was standing at that time, and started shooting at Cochran. Cochran died at the scene. Note that Bryant was a mother of four children who lived with her at the apartment complex, and that two of her children were with her as she talked to other tenants minutes prior to the shooting. Bryant

moved her children to safety when the gunshots were fired. App. 54, l. 6 – p. 60, l. 7; App. 65, l. 1 – p. 66, l. 1. Note, however, that Bryant lied when questioned initially and declared she knew nothing about the shooting. App. 60, lines 13-22. The autopsy results revealed that Cochran received four gunshot wounds. App. 104, lines 21-22. The shots fired landed into the office/apartment building also. Tr. 126, l. 1 – p. 138, l.7.

Detective Jacob Sullivan testified that he received a call from Steve Cochran around 11:03 pm on the night of August 1, 2015, and that Cochran explained that he (Cochran) had just approached a group of males at the apartment complex and ordered them to disperse and exit the premises due to their loud behavior. During that conversation Cochran uttered the words “they shot me.” A police radio call was sent out shortly thereafter. App. 47, l. 14 – p. 53, l. 11.

Investigator Dylan Hightower testified that he monitored jail calls and discovered a call wherein petitioner was asking if another had sold or gotten rid of “the whistle,” which is street vernacular that refers to a firearm or gun. App. 163, l. 18 – p. 166, l. 18.

Additionally, the state presented at trial a video from Wal-Mart that depicted petitioner purchasing Perfecta ammunition on July 4, 2015. Note that Perfecta gun shell casings were found at the crime scene in this case. App. 177, l. 1 – p. 187, l. 25.

Shanriqua Chisolm testified that she was in a relationship with petitioner in 2015, and that to the best of her knowledge petitioner was also known by the name of “Banger.” App.192, l. 4 – p. 193, l. 13.

Courtney Russell, who lived at the same apartment complex in question testified that she was present near the office area talking to Bryant when the shooting occurred, and that she and Bryant realized shortly thereafter that Steve Cochran had been fatally shot. Russell described the shooter as an unknown male. App. 210, l 12 – p. 218, l. 2.

Defense witness Benjamin Holmes testified that he and petitioner were at his (Benjamin's) house from the daylight hours on August 1, 2015, (playing games) up until shortly after 11:00 pm on that date. App. 218, l 19 – p. 239 l. 8.

During the PCR hearing held in the case, trial counsel admitted that the solicitor improperly vouched for the credibility of Bryant as a witness during closing arguments, but that it was his trial strategy not to object to the same in order to avoid highlighting this assessment to the jury. App. 324, l. 15 – p. 326, l. 6.

The solicitor made the following closing remarks about Bryant's character to the jury:

Then, a lady who I have got all the admiration in the world for, that woman is scared to death her entire life. She's got four children that live out there. She is scared of these people, but she had the guts to walk into this courtroom and she had the guts to tell you the truth...that petitioner walks up and shot Steve Cochran because he was "teed" off with him for running him off earlier.
App. 243, lines 13-21.

Improper vouching is not permitted in South Carolina. Vouching is improper because it constitutes an assurance by the prosecuting attorney of the credibility of a witness through personal knowledge or other information outside of said witness' testimony in support of that testimony. State v. Kelly, 343 S.C. 350, 540 S.E.2d 851 (2001). State v. Shuler, 344 S.C. 604, 545 S.C.2d 805 (2001). In Kelly, the solicitor bolstered the credibility of a jail-house informant by asking him about their prior conversations regarding truth-telling. In State v. Busse, 439 S.C. 104, 886 S.E.2d 208 (2023), the Court addressed the matter as follows:

Zealous advocacy crosses the line and becomes improper vouching, however, when the prosecutor indicates to the jury—even implicitly—that her argument as to the credibility of a witness is based on anything other than the evidence admitted...the legal concept of vouching prohibits a prosecutor from giving the jury any indication that she knows something about the credibility of a

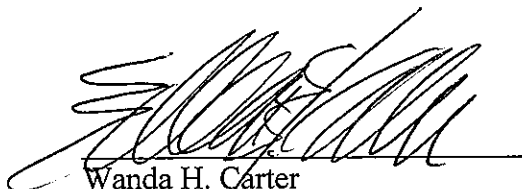
witness that the jury does not know, or that is based on an event or proceeding outside the presence of the jury.

In Matthews v. State, 350 S.C. 272, 565 S.E.2d 766 (2022), the Court held that trial counsel erred in failing to object to the solicitor's improper bolstering that referenced the fact that he only placed state's witnesses on the stand whose testimony passed the corroboration test in cases. See State v. Collier, 421 S.C. 426, 807 S.E.2d 206 (2017), where the Court held that the solicitor's comment that a witness had no motivation to lie constituted inappropriate bolstering.

Trial counsel erred in failing to object to the solicitor's improper bolstering of the credibility of this single eyewitness' identification testimony, which greatly prejudiced the defense primarily because the state's case hinged largely on the eyewitness identification testimony without any other overwhelming evidence in support of a conviction, and because petitioner presented an alibi defense in the case. Trial counsel's omission in this regard constituted deficient legal representation at trial in violation of the Sixth Amendment (See Hill v. Lockhart, 466 U. S. 668 (1984)), such that but for the error, a reasonable probability exists that the outcome of the trial would have been different.

CONCLUSION

Based on the foregoing argument, counsel for petitioner would request that this Court reverse petitioner's convictions and sentences and remand his case to the circuit court for a new proceeding.

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR PETITIONER

This 23rd day of October, 2025.

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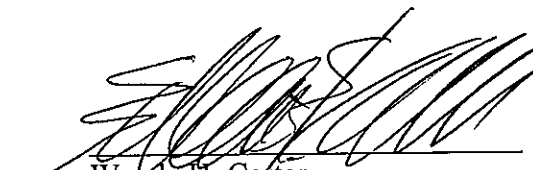
STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001946

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Brief of Petitioner in the above-referenced case has been served upon Danielle E Dixon, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Sidney Antoine Holmes, #335918, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 23rd day of October, 2025.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR PETITIONER

Leverett, Scott

From: Leverett, Scott
Sent: Thursday, October 23, 2025 2:17 PM
To: Danielle Dixon
Cc: Vickie Hall; Carter, Wanda
Subject: 2023-001946 - Sidney A. Holmes v. State - Brief of Petitioner
Attachments: 2023-001946 - Sidney A. Holmes v. State - Brief of Petitioner.pdf

Dear Ms. Dixon,

Attached please find a copy of the Brief of Petitioner in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Wanda Carter
Appellate Defense