STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions
The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2024-000821

THE STATE, Respondent,

v.

CRAIG LAMAR EDWARDS, Appellant.

INITIAL BRIEF OF RESPONDENT

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes and Rules

STATEMENT OF ISSUES ON APPEAL

I. Whether the trial court correctly allowed the solicitor to cross-examine Edwards about the fact that he sold crack cocaine where Edwards made his disapproval of crack a central issue in the case.

II. Whether Edwards was prejudiced by admission of data from an NCIC record where the only charge the evidence tended to prove—possession of a stolen handgun—was dismissed following a motion for directed verdict.

III. Whether Edwards was prejudiced by the trial court's failure to stop for a blue light instruction where Edwards conceded in closing he was guilty of that offense.

STATEMENT OF THE CASE

A Richland County grand jury indicted Appellant Craig Edwards for murder, kidnapping, failure to stop for a blue light, possession of a stolen handgun, and possession of a weapon during the commission of a violent crime. He proceeded to jury trial on April 8–12, 2024, before the Honorable Robert E. Hood, Circuit Court Judge. After the State rested, the court granted Edwards's motion for a directed verdict on the stolen handgun charge. The jury convicted Edwards of voluntary manslaughter, failure to stop for a blue light, and possession of a weapon during the commission of a violent crime. The court sentenced him to thirty years' incarceration for manslaughter and five years on each additional charge, with the sentences to be served consecutively. This direct appeal follows.

STATEMENT OF FACTS

Edwards was an auto mechanic, and on the morning of this incident Edwards's girlfriend, Carlo Yarborough, drove him to an auto salvage yard where Edwards rendezvoused with fellow mechanic and close friend, Mike Booker (the victim). Tr.p.145, 165. Hours later, Edwards shot Booker dead.

Edwards and Booker had been together the night before, Superbowl Sunday. Tr.p.534–36. Yarborough testified Edwards showed up late to a Superbowl party and was sweating, acting jittery, and "wasn't himself." Tr.p.140–41, When Edwards was arrested, he told police he was high on PCP. Tr.p.284. Booker tested positive post mortem for cocaine. Tr.p.393–94.

Yarborough believed Edwards had some sort of disagreement with Booker at the auto salvage yard. Tr.p.146. Edwards testified he became upset when he confronted Booker about buying drugs and Booker told him to mind his own business. Tr.p.547–50. Edwards was agitated when he and Yarborough left the salvage yard. App. 146–47. Yarborough suggested Edwards should go home and get some sleep, but Edwards insisted on going to work. Tr.p.147.

Yarborough drove Edwards to his normal place of business in the Rosewood neighborhood of Columbia, a house where Chris Martin operated a shade tree mechanic business. Tr.p.143, 147. Booker was already there. When they arrived, Edwards got out of the car and began yelling Booker's name. Tr.p.150. Edwards was armed with a pistol when he got out of the car. Tr.p.154. Edwards did not normally carry a gun. Tr.p.154–55. Booker came outside and said "I don't have time for this" or "don't start that shit." Tr.p.152–54. Edwards went over to a Honda

that was parked in the yard. Yarborough saw "Mike walking out," and saw his hand was "up in the air," and then she heard shots and saw Booker fall to the ground. Tr.p.153. Booker had a wooden stick in his hand. Tr.p.153,162. When Edwards began to shoot, Booker turned around and tried to run away. Tr.p.153, 162.

After Edwards shot Booker, he "stood there for a minute" and returned to Yarborough's car and tried to force her into the trunk. Tr.p.156, 182. Yarborough could not fit inside the trunk so Edwards grabbed her hair and "dragged [her] across the street" and forced her into a Nissan SUV. Tr.p.158–59. Yarbough was able to lock the doors from the inside so Edwards could not get in. Tr.p.160. Edwards left in the Honda. Tr.p.163. Yarborough testified Edwards wasn't acting like himself and it was "like he wasn't there." Tr.p.158.

Hughes Wannamaker lived next door and witnessed the incident. Tr.p.206. He heard gunshots and went to see what was happening. He saw Edwards "directly behind a woman with his hands directly on her head . . . walking towards [a] vehicle with a trunk open." Tr.p.208. He called 911. He heard the woman "pleading not to shove her in the trunk." Tr.p.209. Wannamaker yelled to Edwards to stop and that the police were on the way. He saw Edwards put Yarborough in the back of a vehicle. Edwards attempted to enter the vehicle but it was locked. Tr.p.209. Chris Martin arrived and Edwards drove off in a Honda. Tr.p.210. Wannamaker walked over to Martin's yard and saw Booker dead on the ground. Tr.p.214.

When police arrived, they observed a wooden table leg next to Booker's body. Tr.p.247. Martin testified the table leg marked as State's Exhibit #40 was a stick they used to prop open car hoods. Tr.p.233. Martin testified Edwards had a gun the previous night. Tr.p.232. Officers discovered 12 shell casings in the street and in the yard, all later determined to have been fired from Edwards's gun. Tr.p.247, 261, 360. Booker had 29 gunshot wounds all over his body. Tr.p.377. The pathologist was unable to determine with certainty whether each wound was an entry or exit wound "due to the sheer number of them, and the paths all crossing and going every which way inside the body . . . ." Tr.p.377–94. There was no stippling on any of the wounds, meaning the shots were fired from more than a few feet away. Tr.p.379. The pathologist recovered seven bullets from Booker's body. Tr.p.387. One bullet traveled up through Booker's body and lodged in his head. Tr.p.407. Edwards weighed 70 pounds more than Booker. Tr.p.626–27.

An officer spotted the Honda near Farrow Road and initiated a traffic stop. Tr.p.276. Edwards sped up and did not stop, running multiple stop signs over the course of a four-minute chase. Tr.p.276, 296. Edwards drove to Earlewood, threw something out of the car, and finally stopped for police. Tr.p.277. Edwards told police he was on PCP. Tr.p.284. Police discovered a firearm magazine in the vehicle and recovered a pistol from the spot where Edwards had thrown something from the car. Tr.p.284–91. Edwards had gunshot residue on his hands. Tr.p.316–17.

Edwards gave a recorded statement to police wherein he pretended not to know why police had arrested him. He also claimed not to know Michael Booker or Carlo Yarborough. Tr.p.621–22. He even lied about his own name. Tr.p.620. He again told police he had smoked PCP, and when police left the room remarked to himself, "I got to quit smoking this shit." Tr.p.624.

Edwards testified that on the night before the shooting Booker had borrowed his car and did not put gas in it before bringing it back, and the Booker left his tools in the trunk. Tr.p.487. Edwards further claimed that the gun he used in the shooting wasn't his, and that he discovered a gun in the tool bag at the exact moment Booker approached him at Martin's house. Tr.p.500–01. He denied showing Chris Martin the gun the night before. Tr.p.628. Edwards claimed Booker had something in his hand and raised his hand up. He claimed he thought it could have been "an old shotgun or something." Tr.p.503. Edwards shot Booker until the gun wouldn't fire any more. Tr.p.505. On cross-examination Edwards claimed he didn't get a good look at whatever was in Booker's hand before he shot him. Tr.p.630.

ARGUMENT

I. The trial court properly permitted the solicitor to cross-examine Edwards about his involvement with crack cocaine where Edwards claimed his disapproval of the victim's crack cocaine use prompted their disagreement.

The trial court properly permitted the State to cross-examine Edwards about his involvement with crack cocaine, including the fact that Edwards sold crack cocaine. Edwards claims the "clear purpose" of this cross-examination was to show he was a "bad person" and "violent drug dealer." Brief of Appellant at 12. The record does not support this assertion. In reality, the cross-examination was responsive to Edwards's claims about the source of his disagreement with Booker and the role drugs played in this shooting. Edwards, who told police he was "high on PCP" on the day of the shooting, claimed he saw Booker speaking with a drug dealer on the morning of the shooting and that Booker became angry when Edwards expressed his disapproval. Further, Edwards repeatedly introduced evidence attempting to establish Booker was a drug user who became violent when he used crack cocaine, even though Edwards was also using hard drugs at the time. The State was not required to accept Edwards's unbelievable and one-sided version of events. Rather, it was entitled to cross-examine Edwards to provide the jury with a more complete and accurate picture about what actually presaged this deadly encounter. This Court should affirm.

A. Standard of Review.

"The scope of cross-examination is within the discretion of the trial judge, whose decision will not be reversed on appeal absent a showing of prejudice." State

v. Clark, 444 S.C. 606, 611, 910 S.E.2d 481, 484 (2024), reh'g denied (Jan. 15, 2025). "An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." Id.

B. Discussion.

Edwards claims the trial court should not have allowed the solicitor to cross-examine him about the fact that he sold crack cocaine. But Edwards made crack cocaine use—and his disapproval thereof—a central issue in this case. On multiple occasions, Edwards introduced evidence about the victim Booker's drug use, directly linking it to his supposed violent character. Edwards offered testimony from his landlord that Booker would "smoke crack and drink a lot," which would "make him angrier" and "crazy . . . like he was going to jump on me or stuff." Tr.p.442. Edwards himself testified Booker smoked crack cocaine and was a drug addict. Tr.p.477–78. He implied this caused Booker to have behavioral issues. Tr.p.477. Edwards then immediately testified about an incident where Booker allegedly became violent with a customer. Tr.p.478–79.

Edwards did not volunteer any information about his involvement with drugs. Instead, he portrayed himself as a peacemaker who cleaned up after his drug-addicted and violent friend. Tr.p.475–79. But the jury had already heard that Booker and Edwards were very close and had "common interests." Tr.p.473. They were together the night before, and Booker tested positive post mortem for cocaine. Edwards went to the hospital late the previous evening, which he claimed was due to sinus headaches, but returned home saying he did not see a doctor. Tr.p.140–41. Yarborough took him back to the hospital a few hours later, and testified Edwards

was "jittery" and not acting like himself. Tr.p.141. A few hours later, Edwards told a police officer he was high on PCP. Tr.p.284. On cross-examination of the landlord, the solicitor asked whether Booker and Edwards did drugs together, and the landlord responded he did not know. Edwards did not object. Tr.p.444.

Providing further fodder for cross-examination, Edwards testified about a person named Byron whom he claimed was Booker's drug dealer. Tr.p.492. Edwards testified Byron was at the junkyard on the day of the shooting. Edwards claimed he criticized Booker for buying drugs, leading to a disagreement between them. Tr.p.492. Edwards admitted he was angry after this encounter, and claimed Booker was also angry with him when he arrived at their place of business after leaving the junkyard. Thus Edwards made Booker's purchase of crack cocaine, and his confrontation of Booker about the same, a central issue in the case.

On cross-examination, the solicitor asked whether Edwards ever smoked crack with Booker, and Edwards testified he never smoked crack. Tr.p.524–25. The solicitor asked, "You weren't around crack cocaine at this time?" Edwards responded, "Well, this time, yea." Tr.p.525. The solicitor asked Edwards "when you're talking about [Booker] using crack cocaine . . . what was your involvement with crack cocaine?" Tr.p.525. Edwards responded, "I have sold crack cocaine before, but I never smoked it." Tr.p.525. Edwards did not object. The solicitor followed up: "Oh . . . you just sold it?" Again, Edwards did not object. The solicitor then asked: "and so at the same time you say you're trying to help Mike with his crack problem, you're selling crack?" Edwards responded: "I have sold crack, but

not with . . . me and Mike haven't had issues like that." Tr.p.525. Counsel finally objected, and the trial court overruled the objection.[1]

Following the trial court's ruling, the solicitor asked whether Edwards was concerned about Booker's crack use, referencing his prior testimony that he was "trying to get Mike help." Edwards agreed he was concerned. The solicitor then asked: "At the same time, you're selling crack though?" Edwards responded that he had sold crack in the past and had been arrested after having "an incident with it," but was not selling crack at the time of this incident. Tr.p.526. Edwards elaborated that he did not "practice what he preach[ed]," and that "it's different when you're selling drugs and when you've got a friend that's on drugs." Tr.p.526–27. The solicitor asked whether Edwards saw the irony in castigating Booker for smoking crack when Edwards was selling it. Tr.p.527. Finally, he asked whether Booker's drug use ever affected their relationship, and Edwards responded that it did not. Tr.p.527.

This was all proper cross-examination. Edwards claims the trial court abused its discretion by overruling his objection to the solicitor's question whether he was selling crack "at the same time you say you're trying to help Mike with his crack problem . . . ." Tr.p.525. But Edwards's credibility in this regard was absolutely critical to the jury's resolution of the central issues in the case, making

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[1] Because Edwards did not object at his first opportunity, he failed to preserve this issue for review. See State v. Williams, 303 S.C. 410, 411, 401 S.E.2d 168, 169 (1991)("A defendant must object at his first opportunity to preserve an issue for appellate review."). Further, the solicitor did not directly ask Edwards whether he sold drugs. The solicitor asked about his "involvement" with drugs, and Edwards volunteered that he sold crack, waiving any objection to this line of questioning.

this subject matter highly relevant and proper subject for cross-examination, the "greatest legal engine ever invented for the discovery of truth." California v. Green, 399 U.S. 149, 158, (1970). If the jurors believed Edwards was lying about the source of his disagreement with Booker, they were unlikely to believe his explanation of why he ultimately shot Booker. See Rule 607, SCRE (providing the "credibility of a witness may be attacked by any party").

Even if evidence about Edwards's involvement with drugs would have been inadmissible during the State's case in chief, Edwards opened the door to this line of questioning 1) by claiming Booker's crack use caused him to become violent, and 2) by claiming his disapproval of Booker's crack use sparked the argument between them which led to Edwards killing Booker. See Clark, 444 S.C. at 614, 910 S.E.2d at 486 (explaining party may "open the door" to otherwise inadmissible testimony, and that credibility determinations are the exclusive province of the jury); State v. Major, 301 S.C. 181, 183, 391 S.E.2d 235, 237 (1990) ("When an accused takes the stand, he becomes subject to impeachment, like any other witness. Regardless of whether the accused offers evidence of his good character, an accused who takes the stand may be cross-examined about 'past transactions tending to affect his credibility.'"); State v. Dunlap, 346 S.C. 312, 325, 550 S.E.2d 889, 896 (Ct. App. 2001), aff'd as modified, 353 S.C. 539, 579 S.E.2d 318 (2003) ("[W]hen a party introduces evidence about a particular matter, the other party is entitled to explain it or rebut it, even if the latter evidence would have been incompetent or irrelevant had it been offered initially."). The solicitor did not seek to introduce evidence of

Edwards's conviction for selling crack prior to his testimony, explaining "I wouldn't do that on my own. That would be if some kind of door was opened. I can't imagine how that would happen, but I'll research it." Tr.p.425.

By connecting Booker's use with his supposed propensity for violence, Edwards opened the door to responsive evidence from the State about Edwards's own drug use and propensity for violence. See Rule 404(a)(2)(B), SCRE (providing when a defendant introduces character about an alleged victim's "pertinent trait" the prosecutor may offer evidence of the defendant's same trait). Edwards continues to explicitly argue on appeal that because Booker was "high on cocaine at the time" he was more likely to have instigated the deadly encounter and justified Edwards's use of deadly force. Brief of Appellant at 15, emphasis in original. It was proper for the State to inquire into Edwards's own drug use and the role it may have played in this killing. Given that Edwards and Booker were close friends, were together the night before, that Booker tested positive for cocaine post mortem, and that Edwards ended up in the hospital the following morning and told officers he was high on PCP, the State was more than justified in inquiring whether Edwards was also using crack cocaine leading up to the shooting. The solicitor asked about Edwards's "involvement" with crack, and Edwards volunteered that he had previously sold crack. This admission undermined Edwards's claim that he was not using drugs on the day of the shooting, and his characterization of himself as Booker's handler.

Edwards does not dispute that the State was entitled to cross-examine him about his own drug use and the role it played in the shooting. Instead he attempts to distinguish the solicitor's question about the fact that he sold crack. But again, Edwards made this a central issue in the case: Edwards claimed his disapproval of Booker's purchase of crack cocaine directly led to their disagreement, which led to Edwards shooting Booker.[2] Tr.p.492. In doing so, Edwards opened the door even wider to evidence about his involvement with crack, including the fact that he sold crack. Given the central position Edwards's supposed disapproval of crack cocaine use played in the case, the State was entitled to impeach this dubious testimony. Edwards's history with drugs was highly relevant to his credibility; the fact that Edwards sold crack cocaine tended to impeach his testimony that he strongly disapproved of Booker purchasing crack and that this was the source of a disagreement between them on the day of the shooting. See Major.

This was not character evidence; it was fundamentally impeachment evidence. The State did not offer any evidence about Edwards's history with crack cocaine in its case in chief, as the State typically would when introducing evidence of prior bad acts under Rule 404(b), SCRE. It only explored the topic after Edwards made his disapproval of Booker's crack cocaine purchase a crucial part of the case. Edwards claims the State was improperly "[c]alling him a hypocrite." Brief of Appellant at 13. It would be more accurate to assert the State was calling him a

[2] This confrontation was explored in more detail later in cross-examination. Tr.p.547–58.

liar, which is a permissible function of cross-examination. The jury was entitled to know whether Edwards was telling them the whole truth.

Edwards insists questioning about his history with drugs was improper because he claimed he stopped selling drugs "years before," and because he "disclaimed" his statement to police that he was high on PCP. The State did not ask Edwards about selling drugs years before; it asked whether he was "around crack cocaine during this time," i.e. the time of the shooting. Tr.p.525. Of course, the State was not required to accept Edwards's claims that he had stopped selling drugs and had "never smoked crack." Given Edwards's statement to police that he was high on PCP on the day of the shooting, his admission that he sold crack was further reason to doubt his claim that his stance against drugs led to his disagreement with Booker. This is the very purpose of cross-examination.

The State did not attempt to show Edwards's history selling crack showed he had generically bad character, much less that it showed he acted "in conformity therewith" by killing Booker. Edwards claims the State attempted to portray Edwards as a "violent drug dealer." The State made no such argument. Rather, the State elicited testimony to show Edwards's explanation about the origin of the argument was not believable. The cause of the disagreement was crucial to the determination whether Edwards acted with malice and whether he was at fault in bringing on the difficulty. The State was absolutely entitled to attack Edwards's explanation of one of the central facts of the case.

And in fact, the solicitor's prescient cross-examination of Edwards about his explanation of the source of the disagreement led to the elicitation of an important, previously-unknown fact. When Edwards intruded into Booker and Byron's conversation, one of them told him to "mind [his] fucking business." Tr.p.547–48. The jury could have concluded this response was what angered Edwards, leading to him shooting Booker. The jury would have never heard this fact if the solicitor had not been allowed to conduct a probing cross-examination.

Even if the court erred, Edwards was not prejudiced. See State v. Byers, 392 S.C. 438, 444, 710 S.E.2d 55, 58 (2011) ("Prejudice occurs when there is reasonable probability the wrongly admitted evidence influenced the jury's verdict."). Edwards shot Booker 12 times when Booker was "armed" with a wooden stick used to prop open car hoods. He did so even though he had a clear opportunity to avoid the confrontation by simply walking or driving away, or by not going to Martin's house to begin with. Edwards was much larger than Booker and was not reasonably in fear of death or great bodily injury. Tr.p.626–27. The evidence was clear that Edwards was upset with Booker before he arrived. Tr.p.550, 146–47. Edwards shot Booker so many times the pathologist could not even identify each separate gunshot wound. This was a crime of anger, not necessity.

Edwards's unbelievable story that he fortuitously discovered the pistol in Booker's tool bag at the exact moment Booker supposedly threatened him with the table leg—a story which Yarborough contradicted by testifying Edwards had the gun out earlier—was not credible. And Edwards's behavior after the shooting—fleeing

from police and pretending to know nothing about the incident—showed consciousness of guilt. Finally, that the jury engaged in lengthy deliberations and acquitted Edwards of kidnapping shows it conscientiously considered all the evidence and did not convict Edwards simply because he was a "bad person." See State v. Young, 378 S.C. 101, 107, 661 S.E.2d 387, 390 (2008).

Edwards attempts to show prejudice by arguing the State improperly utilized the testimony in closing argument. But Edwards did not object to the argument. He may not bootstrap a distinct unraised objection to the solicitor's closing argument onto his objection to cross-examination. See State v. Varvil, 338 S.C. 335, 339, 526 S.E.2d 248, 251 (Ct. App. 2000) ("Failure to object to comments made during argument precludes appellate review of the issue."). And even if preserved, the solicitor's argument was confined to the evidence and reasonable inferences therefrom, and was not prejudicial for the same reasons argued above. This Court should affirm.

II. NCIC records are admissible as business and public records, and Edwards was not prejudiced by the admission of data showing the handgun he possessed was stolen because he was on trial for possession of a stolen handgun but a directed verdict was later granted as to that charge.

Edwards claims the trial court erroneously admitted data from an NCIC (National Crime Information Center) report showing the gun Edwards used to shoot Booker had been reported stolen. NCIC records are admissible under the business and public records exceptions to the rule against hearsay, but this Court need not reach the merits of the issue because Edwards cannot show prejudice. Evidence of the stolen pistol was not used to convict Edwards of manslaughter; it was admitted to prove Edwards possessed a stolen handgun. The trial court granted a directed verdict as to that charge at the close of the State's case, eliminating any possible prejudice. Edwards attempts to show prejudice by arguing the solicitor made an improper closing argument, but he did not object to the argument. Regardless, the solicitor's passing comments about the fact that the gun was stolen did not reasonably affect the result of trial. This Court should affirm.

A. Standard of review.

In criminal cases, the appellate court sits to review errors of law only. State v. Barksdale, 433 S.C. 324, 330, 857 S.E.2d 557, 560 (Ct. App. 2021). The decision to admit or exclude evidence is within the sound discretion of the trial court. Id.

B. Discussion.

This issue arose when the officer who recovered Edwards's gun testified he had to "run the weapon to make sure it's not stolen." Tr.p.305. At this point in the

trial, Edwards was charged with possession of a stolen pistol. The trial court later granted a directed verdict on that charge, ruling the State did not present evidence Edwards knew the gun was stolen. Tr.p.415–16. Edwards objected on hearsay and confrontation grounds, and the trial court overruled the objection. Tr.p.305. The officer then testified he "ran the weapon through NCIC" and the gun had been "reported stolen by the Richland County Sheriff's Department."[3]

i. NCIC records are admissible under the hearsay exception for business and public records.

The National Crime Information Center is "a national criminal records data system administered by the Federal Bureau of Investigation" containing "criminal history information, including outstanding arrest warrants, and is available to police departments nationwide." Case v. Kitsap Cnty. Sheriff's Dep't, 249 F.3d 921, 923 (9th Cir. 2001). The federal government is required by law to maintain these records, and law enforcement agencies and courts routinely rely on them. See 28 U.S.C. § 534; Frye v. Commonwealth, 231 Va. 370, 387, 345 S.E.2d 267, 280 (1986) (explaining "records of the NCIC are routinely used and relied on by the Virginia State Police in the regular course of business"). Indeed, the trial court relied on NCIC records during this very trial to determine whether Edwards had prior convictions which were proper for impeachment. Tr.p.425–26.

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[3] In Deep Keel, LLC v. Atl. Priv. Equity Grp., LLC, 413 S.C. 58, 72, 773 S.E.2d 607, 614 (Ct. App. 2015), this Court held "Rule 803(6) does not apply to admit live testimony offered to prove the contents of a record containing hearsay when that record is not offered in evidence." However, Edwards does not advance that argument on appeal and has therefore waived the argument.

While NCIC records are hearsay, they are admissible as business records pursuant to Rule 803(6), SCRE, which provides:

> Records of Regularly Conducted Activity. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness; provided, however, that subjective opinions and judgments found in business records are not admissible. The term "business" as used in this subsection includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

See also S.C. Code Ann. § 19-5-510 (Business Records as Evidence Act, precursor to Rule 803(6)). NCIC records are also admissible under the public records exception. See Rule 803(8), SCRE. While an NCIC record may not in itself be enough to establish guilt beyond a reasonable doubt of possession crimes, the business records exception is concerned with whether the records are sufficiently reliable for admission as evidence in a criminal trial where the person who observed the underlying occurrence does not personally testify. Because NCIC records are kept in the regular course of business as required by law, they are presumptively reliable and admissible under the business and public records exceptions to the rule against hearsay.

While this Court has not addressed in a published opinion whether NCIC records are admissible under Rule 803(6), out-of-state courts have held that they are. State v. Sneed, 210 N.C. App. 622, 629, 709 S.E.2d 455, 460 (2011) (officer

testimony that NCIC records showed gun was reported stolen was admissible as business record); Cooper v. Commonwealth, 54 Va. App. 558, 571, 680 S.E.2d 361, 367 (2009) (same). This Court conducted a comparable analysis in State v. Mealor, 425 S.C. 625, 825 S.E.2d 53 (Ct. App. 2019), which involved a privately-owned database of pharmacy records of pseudoephedrine product sales. And in State v. Anderson, 386 S.C. 120, 127, 687 S.E.2d 35, 38 (2009), the supreme court explained that fingerprint records from the AFIS fingerprint database qualified as both business and public records. See also State v. Brockmeyer, 406 S.C. 324, 352, 751 S.E.2d 645, 660 (2013) (police chain of custody logs were business records).

Edwards argues that even if NCIC reports could qualify as business records under Rule 803, the State failed to lay an adequate foundation. Edwards's trial objection was not sufficient to bring this specific argument to the trial court's attention, and therefore this argument is not preserved for review. State v. Holliday, 333 S.C. 332, 338, 509 S.E.2d 280, 283 (Ct. App. 1998) ("The objection should be sufficiently specific to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the trial judge."); Rule 103, SCRE (providing objection must be on "specific ground" unless ground was "apparent from the context"). Issue preservation rules are designed to "give the trial court a fair opportunity to rule." State v. Morales, 439 S.C. 600, 609, 889 S.E.2d 551, 556 (2023). "A trial court's opportunity to rule necessarily includes both parties being aware of the nature of the objection such that they may present their best

arguments addressing that objection. This then serves another purpose of our rules—'meaningful appellate review.'" Id. (emphasis added).

There is no discussion of the business records exception in the trial transcript and no indication the trial court ever considered whether the State laid a sufficient foundation under Rule 803(6). Had Edwards specifically objected, the State could have easily laid a firmer foundation by simply asking the officer to explain the NCIC recordkeeping system. See United States v. Keplinger, 776 F.2d 678, 694 (7th Cir. 1985) (explaining under Rule 803, "a 'qualified witness' need only be someone with knowledge of the procedures governing the creation and maintenance of the type of records sought to be admitted"); see also Deep Keel, LLC v. Atl. Priv. Equity Grp., LLC, 413 S.C. 58, 73, 773 S.E.2d 607, 615 (Ct. App. 2015). Because NCIC records are so frequently relied on in our court system—in practically every criminal prosecution—the trial court would not have assumed Edwards was objecting on the basis of insufficient foundation. Because the record does not demonstrate the trial court ruled on this specific ground, the issue is not preserved.

Even if preserved, the officer's testimony was sufficient to lay a foundation in this case. Because the trial court undoubtedly was familiar with NCIC records, there was little need—particularly in the absence of a specific objection—for the officer to go into great detail. This is unlike those cases where a custodian was needed to explain the recordkeeping system of an organization about which the court had no prior knowledge.

In Sneed, the North Carolina Court of Appeals held similar officer testimony was sufficient to lay a foundation for NCIC data. There, as here, the officer "described the NCIC database as entries from law enforcement officers used by law enforcement to trace stolen property" and "stated that he ran the serial number of the gun through the NCIC database and found that the gun with that serial number had been reported stolen." State v. Sneed, 210 N.C. App. 622, 630, 709 S.E.2d 455, 461 (2011). The court explained that while the officer "did not explicitly state that the records were kept in the ordinary course of business, defendant does not dispute that the testimony of Detective Rhodes, if he were a qualified witness, was adequate to support that inference." Id. The trial court did not abuse its discretion by allowing the testimony.

ii. Edwards cannot show prejudice.

This Court need not decide whether NCIC records are admissible under the business records exception because Edwards cannot show prejudice. The testimony that the pistol was stolen was proof only that Edwards possessed a stolen pistol. The trial court later granted a directed verdict as to that charge, eliminating any prejudice.

Edwards argues he was prejudiced because the solicitor in closing referenced the fact that he possessed a stolen handgun. Edwards claims the solicitor improperly used the evidence of the stolen handgun to argue Edwards was not "without fault" in bringing on the difficulty. Brief of Appellant at 18. This argument fails for two reasons. First, the issue is not preserved. Edwards did not contemporaneously object to the solicitor's closing argument and has therefore

waived any objection thereto. See State v. Varvil, 338 S.C. 335, 339, 526 S.E.2d 248, 251 (Ct. App. 2000) ("Failure to object to comments made during argument precludes appellate review of the issue."). Had Edwards objected, the trial court could have addressed the alleged improper comment with a curative instruction.

Second, the solicitor did not argue Edwards was precluded from claiming self-defense merely because the pistol was stolen. The solicitor mentioned the stolen gun twice. The first was a passing comment that the pistol which Edwards threw from his car "turns out was stolen out of Richland County . . . ." Tr.p.679. This comment did not come when the solicitor was discussing the elements of self-defense or the testimony about what happened during the shooting itself. It came when the solicitor was covering the fact that Edwards fled from police and discarded the weapon. Tr.p.678–79. The second mention did come when the solicitor was discussing self-defense, but the solicitor did not "directly argue" Edwards was precluded from acting in self-defense merely because the pistol was stolen. Brief of Appellant at 16. The solicitor argued Edwards "showed up to [the incident location] with an illegally-possessed pistol to confront Michael Booker." Tr.p.687. The purpose of this comment was to emphasize that Edwards initiated the confrontation, not the fact that the pistol was stolen. The solicitor's argument as a whole was focused on the unbelievability of Edwards's testimony and the facts which showed he was not in imminent danger when he shot Booker. The solicitor did not "directly argue" Edwards's possession of a stolen gun precluded his self-

defense claim and there is not a reasonable probability the mere mention of this fact influenced the verdict.

Evidence that the pistol was stolen—a fact which Edwards has never disputed—was properly admitted as proof of a crime for which Edwards was on trial. Because a directed verdict was later granted as to that charge, Edwards was not prejudiced by the NCIC evidence even if it was improperly admitted. The solicitor's passing comments in closing mentioning the stolen gun—comments to which Edwards did not object, thereby waiving the issue—did not reasonably affect the result of trial. This Court should affirm.

III. Edwards waived any challenge to the trial court's Failure to Stop for a Blue Light instruction by failing to object, and he was not prejudiced by the instruction because he was admittedly and obviously guilty of that offense.

Edwards argues the trial court erroneously commented on the facts in its jury instruction on failure to stop for a blue light. However, Edwards did not object to the charge and therefore this issue is not preserved for review. Further, Edwards cannot show prejudice because he conceded in closing that he was guilty of the offense. This Court should affirm.

Standard of review.

An appellate court will not reverse the trial court's decision regarding jury instructions unless the trial court abused its discretion. State v. Lemire, 406 S.C. 558, 565, 753 S.E.2d 247, 251 (Ct. App. 2013).

Discussion.

Edwards claims the trial court abused its discretion by instructing the jury as follows:

> An attempt to increase the speed of a vehicle or in some other manner avoid pursuing law enforcement when signaled by a siren or flashing light may be considered by you as evidence of failure to stop for a blue light. However it is merely an evidentiary fact to be taken into consideration by you, along with all the other evidence in the case, and to be given the weight you decide it should receive.

Tr.p.756.

Edwards did not object to the charge, and accordingly this issue is not preserved for review. Edwards argues he was not required to object, citing a 1924 case which "[a]dmittedly . . . has not been utilized since," wherein the court excused the defendant's failure to object to the trial court's misstatement to the jury about

the facts of the case. Brief of Appellant at 20, citing State v. Orr, 128 S.C. 279, 122 S.E.2d 771 (1924). Not only is this not the law, and not only has this Court nor the supreme court ever cited Orr for this proposition, neither court has cited Orr at all, except the supreme court in its opinion affirming Orr's conviction on retrial. A contemporaneous objection is required to preserve a claim of error in a trial court's jury charge, even when the objection is on constitutional grounds. State v. Daniels, 401 S.C. 251, 255, 737 S.E.2d 473, 475 (2012) (holding claim that jury charge unconstitutionally shifted the burden of proof was not preserved for appeal because "[i]t is axiomatic that an objection to a jury charge may not be raised for the first time on appeal") (emphasis added); State v. Lemire, 406 S.C. 558, 573, 753 S.E.2d 247, 255 (Ct. App. 2013) ("As to Lemire's arguments that the charge was redundant, confusing, and tantamount to a charge on the facts, these concerns were neither raised to nor ruled upon by the trial court and are therefore not preserved for appeal.") (emphasis added).

Further, it is hard to fathom how Edwards could have been prejudiced by the court's instructions when his conduct was captured on video and he admitted he was guilty of failure to stop. By Edwards's own admission, he "didn't stop for them at all" and "just took off." Tr.p.513. He did not offer any defense of his actions. As counsel admitted in closing, "We saw the chase. We saw that. That happened. Craig does not deny that's him driving the car, that he did not stop for police." Tr.p.718. Even more explicitly, defense counsel conceded Edwards was guilty of failure to stop: "He did not stop for the cops. We are not disputing that. I'll make it

easy for you. Find him guilty of failure to stop for a blue light because he didn't." Tr.p.728. Because Edwards was admittedly and obviously guilty, the charge could not reasonably have affected the outcome. See State v. Workman, 443 S.C. 369, 378, 905 S.E.2d 119, 123 (2024). And even if his guilt was contested, that increasing speed is evidence of failure to stop is a truism and harmless. This Court should affirm.

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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November 3, 2025

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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of General Sessions
The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2024-000821

THE STATE, Respondent,

v.

CRAIG LAMAR EDWARDS, Appellant.

PROOF OF SERVICE

I, Susan Spencer, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Jordan Wayburn, 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 3rd day of November, 2025.

Susan Spencer

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From: Susan Spencer
Sent: Monday, November 3, 2025 3:38 PM
To: jwayburn@sccid.sc.gov
Cc: Josh Edwards; Stock, Chris
Subject: The State v. Craig Lamar Edwards (2024-000821)
Attachments: EDWARDS Craig - Initial Brief of Respondent.pdf

Good afternoon Mr. Wayburn,

Attached please find the Initial Brief of Respondent and Designation of Matter in The State v. Craig Lamar Edwards (2024-000821). This brief will be filed today with the Court of Appeals via the AIS OneDrive system. If you will, please confirm receipt.

Thank you.

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