

State of South Carolina  
in the Court of Appeals

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SC Court of Appeals

The State

Respondent

v.

Kawasi L. Dingle

Appellant

Appellate Case No: # 2025-000248  
Pro se Brief

Kawasi L. Dingle  
Evans C.I. F2-  
610 Highway 9 West  
Bennettsville, S.C. 29512

Pro Se

Now comes the (Appellant) Kawasi Dingle files his Prose Brief to the Honorable Court of Appeal.

### Statement of Facts

The Appellant was indicted by the Horry County Grand Jury for 1 count of Kidnapping and 1 count of Domestic Violence of a High and Aggravated Nature from an December 6, 2023, incident with his domestic partner. The Appellant was tried before the Honorable Michael Nettles and a jury on Feb. 3-5, 2025. The jury found the Appellant guilty of Kidnapping and guilty of a lesser included offense of criminal Domestic Violence in the 1<sup>st</sup> Degree. The Appellant was sentenced to 8 years for each conviction, by Judge Nettles.

### Argument

The Trial Court err in admitting prior bad act testimony over Appellant's Rule 404(b), SCRE, objection under a res gestae exception. The trial court admitted bad acts testimony over Appellant's counsel objection. Counsel's objections was based on the State introduce evidence of prior event as part of the res gestae (404(b)). Once evidence concerning the Appellant, the State introduced evidence from this earlier incident that put before the jury, that a threat the Appellant allegedly made against his domestic partner with a knife and that the Appellant allegedly chased her down the street.

In State v. Johnson, 439 S.C. 331, 341, 887 S.E.2d 127, 133 (2023), the Supreme Court has held that the "res gestae theory recognizes evidence of other bad acts may be an integral part of the crime..." (quoting State v. Adams, 322 S.C. 114, 120, 470 S.E.2d 366, 370 (1996) see: Anderson v. State, 354 S.C. 431, 435, 581 S.E.2d 834, 836 (2003)). Res gestae simply makes the alleged events relevant to the criminal charges, it does not automatically make such events admissible as evidence against the accused. Rather, the alleged "res gestae" evidence would still be subject to scrutiny under Rule 403 and 404, S.C.R.E. In the present case, the Appellant argues the earlier arrest warrant for domestic violence fell under the provisions of Rule 404(b), which prohibits the introduction of "other crimes, wrongs, or acts" to prove "the character of a person in order to show action in conformity therewith. In King, the Supreme Court reversed the trial court's decision to not make a Rule 404 inquiry before allowing testimony about unrelated criminal act into King's trial [State v. King, 424 S.C. 188, 200, 818 S.E.2d 204, 218 (2018)]. Furthermore, "Evidence of prior bad acts that are not the subject of a conviction must be established by clear and convincing evidence." State v. Cook, 440 S.C. 308, 319, 891 S.E.2d 35, 41 (Ct. App. 2023) (citing State v. Holder, 382 S.C. 278, 676 S.E.2d 690 (2009)). ~~More~~ Moreover, if bad act evidence is admitted under Rule 404(b), "the trial court must then conduct the prejudice analysis required by Rule 403. State v. Spears, 403 S.C. 247, 253, 742 S.E.2d 578, 581 (Ct. App. 2013) (citing State v. Wallace, 384 S.C. 428, 435, 683 S.E.2d 275, 278 (2009)).

The trial court abused its discretion in admitting the prior bad acts from the morning of Dec. 6, 2023. This type of prior bad act evidence is particularly damaging when it is of the same type of conduct for which a defendant is on trial for. Supreme Court has held, in the impeachment context, that the "admission of identical convictions for" impeachment purposes enhances its prejudicial nature... State v. Broadnax, 414 S.C. 468, 779 S.E.2d 789 (2015). Here, the guidance in Broadnax and King dictate that evidence from the incident during the morning hours of December 6, 2023, should have been excluded and the trial court abused its discretion in admitting such evidence. In Smalls v. State, 422 S.C. 174, 191, 810 S.E.2d 836, 845 (2018), there is no conclusive physical evidence, and guilt depends on the jury's judgement of the credibility of Appellant's domestic partner R. 153, 1.7-154, 1.23, R. 183, 11.4-20, and R. 170, 1.50-171, 227, 1.19-228, 1.3.

### Conclusion

Based on the fact in this Brief, the Appellant requests that the Appellant's conviction to be reversed and remanded back to Horry County.

S/ Kawasi Dingle  
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Oct. 30, 2025