RECEIVED
Nov 24 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CRAIG LAMAR EDWARDS,

APPELLANT.

APPELLATE CASE NO. 2024-000821

INITIAL REPLY BRIEF OF APPELLANT

JORDAN WAYBURN
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

ARGUMENT IN REPLY 1

I. Edwards did not open the door to this blatant attack on his character because it is not permitted under Rule 404(a), SCRE, and is not valid "impeachment" under 404(b). 1

a. Rule 404(a) could allow the state to introduce evidence only about Booker, and crack use or dealing is not a "pertinent trait" under the rule. 1

b. Whether Edwards "disapproved of" Booker using crack is immaterial. 3

c. The state did not actually use the evidence to impeach Edwards. 4

d. The issue is preserved and not harmless. 5

II. The hearsay issue is preserved because Edwards immediately objected to the hearsay on that ground. 8

III. *State v. Orr*, 128 S.C. 279, 122 S.E. 771 (1924), is still good law because it functions as a limitation on the judicial power itself. 9

CONCLUSION 13

TABLE OF AUTHORITIES

Cases

Atl. Coast Builders & Contractors, LLC v. Lewis, 398 S.C. 323, 30 S.E.2d 282 (2012) 8

Cooper v. Poston, 326 S.C. 46, 483 S.E.2d 750 (1997) 12

In re Campbell, 427 S.C. 183, 830 S.E.2d 14 (2019) 7

Morrison v. Mut. Benev. Ass'n of Chesterfield Cnty., 78 S.C. 398, 59 S.E. 27 (1907) 11

Smith v. S.C. & G.R.R., 62 S.C. 322, 40 S.E. 665 (1902) 11

Stanford v. Cudd, 93 S.C. 367, 76 S.E. 986 (1913) 11

State v. Adams, 68 S.C. 421, 47 S.E. 676 (1904) 11

State v. Cartwright, 425 S.C. 81, 819 S.E.2d 756 (2018) 10

State v. Chiles, 58 S.C. 47, 36 S.E. 496 (1900) 11

State v. Ellis, 345 S.C. 175, 547 S.E.2d 490 (2001) 7

State v. Kennedy, 272 S.C. 231, 250 S.E.2d 338 (1978) 10

State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923) 4

State v. Morales, 439 S.C. 600, 889 S.E.2d 551 (2023) 8

State v. One Coin-Operated Video Game Mach., 321 S.C. 176, 467 S.E.2d 443 (1996) 12

State v. Orr, 128 S.C. 279, 122 S.E. 771 (1924) 9, 10, 11, 12

State v. Ostrowski, 435 S.C. 364, 867 S.E.2d 269 (Ct. App. 2021) 7

State v. Perry, 430 S.C. 24, 842 S.E.2d 654 (2020) 2, 4

State v. Phillips, 430 S.C. 319, 844 S.E.2d 651 (2020) 7

State v. Pickrell, 435 S.C. 417, 867 S.E.2d 465 (Ct. App. 2021), *aff'd as modified and rev'd on this point*, 443 S.C. 497, 905 S.E.2d 374 (2024) 6

State v. Reyes, 432 S.C. 394, 853 S.E.2d 334 (2020) 6

State v. Varvil, 338 S.C. 335, 526 S.E.2d 248 (Ct. App. 2000) 7

State v. White, 15 S.C. 381 (1881) 10

State v. Williams, 303 S.C. 410, 401 S.E.2d 168 (1991) 5

Staubes v. City of Folly Beach, 339 S.C. 406, 529 S.E.2d 543 (2000) 6

Sumter Tr. Co. v. Holman, 134 S.C. 412, 132 S.E. 811 (1926) 10

Youngblood v. S.C. & G.R. Co., 60 S.C. 9, 38 S.E. 232 (1901) 11

Rules

Rule 11 of the Circuit Court Rules (1922) 12

Rule 20, SCRCrimP 12

Rule 403, SCRE 2, 4

Rule 404, SCRE 1, 2, 3

Rule 608(b), SCRE 3

Rule 609, SCRE 3, 4

Rule 803(6), SCRE 9

Other Authorities

12 Corpus Juris, *Constitutional Law* § 41 (1917) 12

30 Corpus Juris, *Homicide* § 465 (1923) 2

64 Corpus Juris, *Trial* §§ 313, 340 (1933) 6, 10

ARGUMENT IN REPLY

I. Edwards did not open the door to this blatant attack on his character because it is not permitted under Rule 404(a), SCRE, and is not valid "impeachment" under 404(b).

A. Rule 404(a) could allow the state to introduce evidence only about Booker, and crack use or dealing is not a "pertinent trait" under the rule.

The state first argues Edwards opened the door "by claiming Booker's crack use caused him to become violent" because it was "responsive evidence" under Rule 404(a)(2). Resp. Br. 11, 12. That Rule allows the state to introduce rebuttal evidence of "a pertinent trait of character of the victim of the crime offered by an accused." Rule 404, SCRE. According to the state, "[b]y connecting Booker's use with his propensity for violence, Edwards opened the door to responsive evidence from the State about Edwards's own drug use and propensity for violence." Resp. Br. 12. This argument entirely misunderstands Rule 404(a)(2) for two reasons.

First, in these circumstances, it allows evidence only about *the victim*. In a self-defense case like this, its intended function is to allow the state to challenge a defendant's characterization of the deceased as violent by introducing evidence of the deceased's peaceful nature. *See* Advisory Committee Note, Fed. R. Evid. 404(a)(2) ("[A]n accused may introduce pertinent evidence of the character of the victim, as in support of a claim of self-defense to a charge of homicide . . ., and the prosecution may introduce similar evidence in rebuttal of the character evidence, or, in a homicide case, to rebut a claim that deceased was the first aggressor . . . ."). Once Edwards introduced evidence Booker had a tendency toward violence while high, the state was permitted to introduce evidence *about Booker* tending to prove the opposite to rebut that claim. But on these facts, Rule 404(a)(2) is no justification whatsoever for the state to introduce any evidence about Edwards.

Second, even if the state is permitted to "rebut" evidence of Booker's character with evidence of Edwards's character, drug use or drug dealing is not a pertinent trait in and of itself.

As the state recognized in its brief, "Edwards introduced evidence about the victim Booker's drug use, *directly* linking it to his supposed violent character." Resp. Br. 8 (emphasis added). In a self-defense case, the defendant is allowed to introduce evidence of the deceased violent character. 30 Corpus Juris, *Homicide* § 465, at 229 (1923) ("Where there is evidence tending to show self-defense . . . the reputation of deceased for being a violent and dangerous character can be shown for the purpose of showing a reasonable apprehension of immediately impending danger on the part of the defendant, particularly under the circumstances prevailing at the time of the homicide . . . ." (footnote omitted)). The purpose of telling the jury Booker used drugs was to show that he *actually* had a propensity toward violence while high and to show Edwards was *reasonable for believing* he would be violent. Because the state had no similar connection "directly linking" Edwards to violence, his drug use—particularly his drug dealing—could never be admissible under Rule 404(a). Moreover, as argued above, Rule 404(a) is no justification for this "eye for an eye mentality" the state insists is proper as "responsive" evidence.

The state also suggests Edwards's admission "undermined [his] claim that he was not using drugs on the day of the shooting." Resp. Br. 12. This is not a proper inference because the *only* way it does so is by propensity. The fact Edwards previously sold crack does not make it more likely he was using crack on that day unless one believes that because he's been around the drug before, he was likely to have been using it at the time. That is inherently a propensity rationale and illegitimate. The fact that the state insists on pursuing this theory is itself proof that the jury was likely to make the same, illegitimate connection. Therefore, even if the evidence were otherwise proper, any probative value of the evidence would have been substantially outweighed by the danger of that unfair prejudice. *State v. Perry*, 430 S.C. 24, 44, 842 S.E.2d 654, 665 (2020) (citing Rule 403, SCRE) (explaining that even if evidence is admissible under

Rule 404, "The State must also convince the trial court that the probative force of the evidence when used for this legitimate purpose is not substantially outweighed by the danger of unfair prejudice from the inherent tendency of the evidence to show the defendant's propensity to commit similar crimes"). At a minimum once Edwards denied having ever smoked crack, the state was not permitted to continue down this proverbial rabbit hole, dredging up whatever evidence it could suggesting some attenuated connection Edwards has to drugs.

B. Whether Edwards "disapproved of" Booker using crack is immaterial.

Second, the state argues Edwards opened the door "by claiming his disapproval of Booker's crack use sparked the argument between them . . . ." Resp. Br. 11. This is a red herring because, as explained, the reason for their argument is unimportant. What matters is that they had an argument—and Yarborough testified for the state that they had. Tr. 146:19-24. Therefore, to the extent it even was "fundamentally impeachment evidence," Resp. Br. 13, it was not impeachment on a material point. Furthermore, it is not even a reasonable argument and inference. As Edwards testified, someone can oppose drug use, especially by a friend, and still sell drugs for various reasons, such as the economic reality of his situation. Tr. 526:17-527:8.

Moreover, forcing Edwards to admit to selling crack cocaine years before is not a valid form of impeachment because this was in no way probative of his truthfulness. *See* Rule 608(b), SCRE ("Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may . . . if probative of truthfulness or untruthfulness, be inquired into on cross-examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness . . . ."). The evidence elicited does not have legitimate tendency to demonstrate Edwards's character for truthfulness. The state did not offer any evidence to even demonstrate it was untrue.

The state complains that "Edwards did not volunteer any information about his involvement with drugs" and argues the "jury was entitled to know whether Edwards was telling them the whole truth." Resp. Br. 8, 14. Again, this misses the point. Of course Edwards did not "volunteer" his history selling crack years ago—it had nothing at all to do with the shooting. He knew that giving that information to the jury would unfairly prejudice him without purpose. Further, the jury was *not* entitled to the whole truth because some truths are irrelevant or otherwise improper and too likely to lead the jury down paths "universally recognized" as illegitimate bases for convicting someone. *State v. Perry*, 430 S.C. 24, 32, 842 S.E.2d 654, 658 (2020) (quoting *State v. Lyle*, 125 S.C. 406, 415-16, 118 S.E. 803, 807 (1923)).

Finally, the evidence was also far more prejudicial than probative of his credibility and should have been excluded. *See* Rule 609(a), SCRE (allowing prior crimes as impeachment if "the probative value of admitting this evidence outweighs its prejudicial effect to the accused"); Rule 403, SCRE. It was clearly more prejudicial—unfairly prejudicial—because even on appeal the state continues to use it to directly and implicit argue that because Edwards previously sold crack cocaine, he is automatically a liar and might have been high on the day of this incident. Certainly, a jury was very likely to consider that possibility, and it never should have been given the chance under the guise of impeachment.

C. The state did not actually use the evidence to impeach Edwards.

Regardless of any hypothetically plausible legitimate purposes, the solicitor did not *actually* use the evidence in the ways now suggested by the state on appeal. It was not merely to question Edwards's truthfulness about the subject of his earlier argument with Booker—an unimportant point—but rather to make him look like a bad man. As argued in his initial brief, App. Br. 14, in closing the state did not use this evidence to show he was lying. In fact, the

solicitor *accepted it as true* and then used that to attempt to fabricate a motive for the shooting. The solicitor argued:

> His testimony was he saw Michael Booker, our victim, speaking with Byron. Now, he says Byron is a drug dealer. He said he himself was a crack dealer. He said, you know, I deal with crack. So it's rich to me that on February 3rd he took issue with Michael Booker speaking to another crack dealer. Maybe there's something to that.
>
> I mean, they established that Michael Booker had a cocaine habit, maybe a crack cocaine habit. He's a crack dealer. He takes issue with Michael Booker talking to another crack dealer.

Tr. 667:15-24. This was near the very beginning of the state's closing argument, and the only point it made was to emphasize Edwards's history with drugs. To say it was offered to impeach his claim about the subject of the argument with Booker is simply incorrect and disregards the record. In no way was it "fundamentally impeachment evidence." Resp. Br. 13. It was used to make him look bad, attack his character, and to manufacture a speculative motive entirely unsupported by his testimony, particularly given that he disavowed selling crack at the time of the shooting and for several years prior.

D. The issue is preserved and not harmless.

The state cites *State v. Williams*, 303 S.C. 410, 411, 401 S.E.2d 168, 169 (1991), for the premise that a defendant "must object at his first opportunity to preserve an issue for appellate review." Resp. Br. 10 n.1. That rule, while correct in the abstract, is inapplicable to this case. In *Williams*, the defendant was tried in his absence, and he offered no objection when he was finally sentenced. 303 S.C. at 411, 401 S.E.2d at 169. Of course, a defendant cannot typically raise an issue on appeal for the first time without any challenge below. But Edwards did object below and did so during the cross-examination. Tr. 525:18-21. In *Williams* the Court was making the simple point that the "first opportunity" to object to being tried in absentia includes at

sentencing following trial. That rule has no application to this case. At a minimum, the issue is preserved as to the question immediately preceding the objection and those questions and answers that followed.

What the state means to say is that any prejudice is harmless because the testimony following the objection is cumulative to the testimony preceding it. *Cf. State v. Pickrell*, 435 S.C. 417, 446, 867 S.E.2d 465, 481 (Ct. App. 2021), *aff'd as modified and rev'd on this point*, 443 S.C. 497, 905 S.E.2d 374 (2024). This too is incorrect in this case. First, the testimony about his history selling crack continued for multiple pages following the objection. The solicitor repeatedly forced Edwards to admit to selling the drug, emphasizing this improper evidence for the jury and painting him as a bad, dangerous drug dealer. Second, had Edwards asked to strike the preceding testimony, there is no chance the trial court would have granted the request. It had already ruled the testimony was proper. Thus, the request would have been futile, and our appellate courts "do[] not require parties to engage in futile actions in order to preserve issues for appellate review." *Staubes v. City of Folly Beach*, 339 S.C. 406, 415, 529 S.E.2d 543, 547 (2000). Therefore, Edwards now properly challenges the entire line of questioning.

The state also claims this error was harmless because, in part, it believes Edwards's version of events "was not credible." Resp. Br. 15. But "the credibility of a witness is exclusively for the jury to decide." *State v. Reyes*, 432 S.C. 394, 401, 853 S.E.2d 334, 338 (2020) (citations omitted); 64 Corpus Juris, *Trial* § 340, at 352 (1933) (noting credibility is "peculiarly within the province of the jury"). Edwards's testimony was plausible and in many respects corroborated by Yarborough. He explained that Booker came at him wielding a large, unidentifiable object and he responded to protect himself. The jury then spent many hours and

into the following day deliberating the case. It cannot be said beyond a reasonable doubt that the state's belligerent attack on Edwards's character and its fabrication of a motive had nothing to do with his convictions. Certainly, the state did not "conclusively" prove this was not self-defense such that this error can be ignored. *State v. Phillips*, 430 S.C. 319, 341, 844 S.E.2d 651, 662 (2020).

As a final point, the state accuses Edwards of attempting to "bootstrap" a distinct objection to closing arguments by way of proving prejudice where evidence is used in closing. Resp. Br. 16. Again it has confused fundamentally different principles. A defendant might object to a solicitor's closing as, for example, vouching or being unduly inflammatory, and that presents a distinct legal issue that does require contemporaneous objection. In *State v. Varvil*, 338 S.C. 335, 526 S.E.2d 248 (Ct. App. 2000), as the state cites, the defendant failed to object "when the solicitor interjected her personal opinion into her closing arguments." 338 S.C. at 339, 526 S.E.2d at 251. Edwards agrees that statements in closing arguments like in *Varvil* which are untethered from any separate evidentiary issue require a separate objection to be raised on appeal.

But not all closing arguments present separate issues. Edwards has not raised a distinct issue about the arguments in closing. Rather, he has attempted to demonstrate the incorrectly admitted evidence could have influenced the jury's decision because of the way the solicitor used it during argument.[1] There is no separate legal issue here to preserve. What objection would

[1] Our appellate courts routinely consider how evidence is used—including in closing argument—in a harmless error analysis. *See, e.g.*, *State v. Ellis*, 345 S.C. 175, 178, 547 S.E.2d 490, 491 (2001) ("The error in allowing Sergeant Walters to testify to matters beyond the scope of his expertise was compounded by the solicitor's closing argument."); *State v. Ostrowski*, 435 S.C. 364, 402, 867 S.E.2d 269, 289 (Ct. App. 2021); *see In re Campbell*, 427 S.C. 183, 193, 830 S.E.2d 14, 20 (2019) (noting use of improperly admitted evidence in state's closing argument).

Edwards have made during closing? The solicitor was simply using evidence already admitted, as he was entitled to do. The only problem with the closing argument is that it depended on and emphasized evidence the jury never should have heard. That is not a separate issue which required further objection to preserve.

II. The hearsay issue is preserved because Edwards immediately objected to the hearsay on that ground.

The state contends Edwards's failed to preserve his argument about Investigator Branham's blatant hearsay assertion that the gun Edwards had was stolen. Resp. Br. 20-21. This argument is incorrect as it is nothing more than an attempt to play the "gotcha game" and argue a technicality. Branham testified, "I did run [the gun's serial number] as per policy, and it did come back --." Tr. 305:7-10. Edwards interrupted with his objection—"Objection. Hearsay. Confrontation." Tr. 305:11. He was immediately overruled without discussion. Tr. 305:12. This obviously preserved the hearsay issue because the result of Brabham "running" the serial number—NCIC's report the gun was stolen—is hearsay. The state *admits* it was hearsay. Resp. Br. 19 ("NCIC records are hearsay . . . ."). Thus, the trial court erred by overruling the objection without explanation. Edwards was not required to go further and continue objecting based on speculation about possible exceptions the state might have tried to assert apply. The trial court *did* have "a fair opportunity to rule." *State v. Morales*, 439 S.C. 600, 609, 889 S.E.2d 551, 556 (2023) (quoting *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012)). It ruled, and it did so incorrectly over objection. That preserves the issue.

The state's argument that the business record was sufficiently demonstrated as to apply is incorrect. This is the entirety of Branham's relevant testimony:

They do this without requiring a separate objection below, as they should. To require even further objection during closing would serve no function but to foster a "gotcha game" on appeal.

> A: I ran the -- the weapon through NCIC, and it did come back with a hit from -- from the Richland County Sheriff's Department.
> Q: Okay. What does that -- tell in laypeople's term what does a hit mean?
> A: It was reported stolen by the Richland County Sheriff's Department.

Tr. 305:15-21. In absolutely no way does this demonstrate the record complies with the requirements of Rule 803(6), SCRE. He did not testify the information was "kept in the course of a regularly conducted business activity" or created by "a person with knowledge." Rule 803(6). A trial court being generally "familiar," Resp. Br. 21, with NCIC records is no basis for admitting evidence. As the proponent of the evidence, the state bore the burden of laying a sufficient foundation for showing it complied with the rules. It did not and cannot now close that gap by relying on assumptions about trial court without any legitimate basis in the record.

As to prejudice, Edwards's will rely on the points in his initial brief: despite the solicitor telling the court he would not mention the gun being stolen, he then did so in closing argument multiple times. App. Br. 16. The jury may have believed Edwards was at fault simply for having and using a stolen weapon. This Court cannot be confident beyond a reasonable doubt that this did not play into the jury's consideration.

As well, for the reasons explained *supra*, he was not required to object again during closing argument to preserve the issue. The use of improperly admitted evidence in closing argument is not a separate legal issue that requires a subsequent objection in order to preserve the prejudice argument for appeal.

III. <u>*State v. Orr*, 128 S.C. 279, 122 S.E. 771 (1924), is still good law because it functions as a limitation on the judicial power itself.</u>

Although not expressly used in modern times, the *Orr* rule is a logical exception to the typical preservation requirements because it is a constitutional restriction directly on the judicial

power of the trial courts. Article V establishes the judicial branch, and it empowers and limits the courts in specific ways, such as the prohibition in section 21 on factual commentary by the court. As a restriction on the actual judicial power itself, this constitutional rule must be more closely guarded than any other. *See Orr*, 128 S.C. at 280, 122 S.E. at 771. This is for good reason: "the real object of this clause of the constitution is to leave the decision of all questions of fact to the jury exclusively, uninfluenced by any expressions of opinion by the judge, whose position would very naturally add great weight to any opinion he might express upon any question of fact arising in a case." *State v. White*, 15 S.C. 381, 392 (1881). The separation of roles between judge and jury is the foundation of our justice system. *See Sumter Tr. Co. v. Holman*, 134 S.C. 412, 132 S.E. 811, 817 (1926) ("The people of South Carolina have said that it is the province of the courts to state the law and of juries to determine the facts."); 64 Corpus Juris, *Trial* § 313, at 299 (1933) ("[I]t is the office of the judge to instruct the jury in points of law and of the jury to decide matters of fact."). Therefore, "the strict prohibition of the constitution" must be enforced because it is that important. *Norris*, 47 S.C. 488, 25 S.E. at 810; *see State v. Kennedy*, 272 S.C. 231, 234, 250 S.E.2d 338, 339 (1978) (applying this provision and stating, "A fundamental concept of our system of justice is that every person charged with a crime has an absolute right to a fair and impartial trial").

The rule also fairly represents modern practice in this area because on multiple occasions the Supreme Court has held a jury charge was or would be a comment on the facts despite the issue not being squarely presented on appeal. For example, in *State v. Cartwright*, 425 S.C. 81, 819 S.E.2d 756 (2018), the Court established a three-part test to determine when evidence of a defendant's attempted suicide is admissible as evidence of guilt, affirming the trial court's admission of the evidence in that case. 425 S.C. at 92-93, 819 S.E.2d at 762. It then went

further and held that trial courts should not instruct the jury on evidence of a suicide, even though on appeal the defendant challenged solely the admission of the evidence. 425 S.C. at 90, 93, 819 S.E.2d at 760, 762.

Similarly, in *State v. Burdette*, 427 S.C. 490, 832 S.E.2d 575 (2019), the defendant had asserted only that his case fell within the narrower proscription against inferred malice instructions where "there was evidence presented that could reduce, excuse, justify, or mitigate the homicide," which was first established in *State v. Belcher*, 385 S.C. 597, 685 S.E.2d 802 (2009). *Burdette*, 427 S.C. at 493-94, 832 S.E.2d at 577. He did not challenge the wholesale impropriety of an inferred malice charge in every case; nonetheless the Court addressed the issue *after* holding there was evidence to reduce or mitigate the homicide and thus the charge was improper under *Belcher*. 427 S.C. at 495, 501-02, 832 S.E.2d at 578, 582. The Court then forbid the implied malice charge in all cases, even though that was not necessary to decide the case *or* raised by the defendant. 427 S.C. at 495, 501-04, 832 S.E.2d at 578, 582-83.

Orr should also be upheld precisely because the general issue preservation requirement is not new. The Court at the time of *Orr* regularly refused to address exceptions to jury charges—for issues other than comments on the facts—unless raised to the circuit court. *E.g.*, *Stanford v. Cudd*, 93 S.C. 367, 76 S.E. 986, 986 (1913) ("[W]e have frequently held that we can consider no question which was not presented to or decided by the circuit court."); *see Morrison v. Mut. Benev. Ass'n of Chesterfield Cnty.*, 78 S.C. 398, 59 S.E. 27, 28 (1907)); *Smith v. S.C. & Ga. R.R.*, 62 S.C. 322, 324, 40 S.E. 665, 665 (1902); *State v. Chiles*, 58 S.C. 47, 49, 36 S.E. 496, 497 (1900); *Youngblood v. S.C. & Ga. R.R.*, 60 S.C. 9, 22, 38 S.E. 232, 236 (1901). Nonetheless, the *Orr* Court recognized the general preservation requirement as "a rule of court" that "must give way to the constitutional prohibition" in article V, section 21. 128 S.C. at 280, 122 S.E. at 771.

It appears that by "rule of court," the Court was referring to Rule 11 of the Circuit Court Rules (1922), which required parties to submit requests to charge prior to argument. That Rule eventually became Rule 20, SCRCrimP. If the constitutional prohibition prevailed over the old court rule, it prevails over the new one as well. The constitution must be the supreme law; it cannot be altered nor its protections weakened by mere amendment to the rules of court. *Cf. Cooper v. Poston*, 326 S.C. 46, 483 S.E.2d 750, 751 (1997); *see* 12 Corpus Juris, *Constitutional Law* § 41, at 699 (1917) ("A written constitution is to be interpreted and effect given to it as a paramount law to which all other laws must yield, and it is equally obligatory on individual citizens and on all departments of the government.").

The Court's decision in *Orr* should not be easily discarded now, and thus appellant can challenge the unconstitutional instruction. *See State v. One Coin-Operated Video Game Mach.*, 321 S.C. 176, 181, 467 S.E.2d 443, 446 (1996) (citing the principle of stare decisis and stating, "we see no reason to revisit [the prior decision] today").

CONCLUSION

Appellant Edwards respectfully requests this Court reverse his convictions for the foregoing reasons and those stated in his initial brief. For all issues not addressed specifically, he will rest on his original arguments.

Jordan Wayburn
Appellate Defender

ATTORNEY FOR APPELLANT

This 24th day of November, 2025.

RECEIVED
Nov 24 2025
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CRAIG LAMAR EDWARDS,

APPELLANT.

APPELLATE CASE NO. 2024-000821

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies true copies of the Initial Reply Brief of Appellant in the above-referenced case have been served upon Joshua A. Edwards at the primary e-mail address listed in the Attorney Information System (AIS), this 24th day of November, 2025.

Jordan Wayburn
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

From:	Stock, Chris
To:	Josh Edwards; Susan Spencer
Cc:	Wayburn, Jordan
Subject:	2024-000821 - The State v. Craig Lamar Edwards - Initial Reply Brief of Appellant
Date:	Monday, November 24, 2025 4:44:00 PM
Attachments:	2024-000821 - The State v. Craig Lamar Edwards - Initial Reply Brief of Appellant - AG Cover Letter.pdf 2024-000821 - The State v. Craig Lamar Edwards - Initial Reply Brief of Appellant.pdf

Mr. Edwards,

Please find attached for service the Initial Reply Brief of Appellant for Craig Lamar Edwards' appeal which will be filed with the Court of Appeals today.

If you have any questions, please let me know.

Thank you,

Chris Stock
Administrative Coordinator
Commission on Indigent Defense
Appellate Division
(803) 734-1330