

EXHIBIT 1

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF GENERAL SESSIONS
FOR THE THIRD JUDICIAL CIRCUIT

INDICTMENT: 2019GS4300053

STATE OF SOUTH CAROLINA,
vs.

DEMETRIUS ALEXANDER BROWN
DEFENDANT.

ORDER DENYING DEFENDANT'S
MOTION FOR A NEW TRIAL

RECEIVED

Sep 27 2022

SC Court of Appeals

THIS MATTER comes before the Court on Defendant Demetrius Brown's Motion for a New Trial, timely submitted on February 28th, 2022. This case came on for a jury trial on February 14th, 2022. The jury returned a verdict finding the Defendant guilty on the charges of murder, possession of a weapon during the commission of a violent, and unlawful carrying of a pistol on February 18th, 2022. The Defendant now moves for a new trial based on the following grounds:

1. The Defendant alleges that his right to a fair trial was impaired by the destruction of evidence by the Solicitor, in this case the cell phone of Anfernee Bradley.

The Court finds that no such due process violation occurred. "To establish a due process violation, a defendant must demonstrate (1) that the State destroyed the evidence in bad faith, or (2) that the evidence possessed an exculpatory value apparent before the evidence was destroyed and the defendant cannot obtain other evidence of comparable value by other means." State v. Breeze, 379 S.C. 538, 665 S.E.2d 247 (Ct. App. 2008). Here, the Defendant has failed to show that the Solicitor acted in bad faith in not preserving the information contained in the cell phone, nor that he knew the cell phone possessed any exculpatory value before the evidence was destroyed. Further, the Defendant has failed to show that cell phone in question may have

contained evidence with exculpatory value. The fact the contents of Anfernee Bradley's cell phone were not preserved for use in this trial did not violate Defendant's right to due to process, and therefore did not result in an unfair trial. Furthermore, the Court gave a jury charge on spoliation of evidence, and Defendant made no objection to the charge.

2. The Defendant alleges that the Court abused its discretion in excluding Bennie Haynesworth's testimony regarding the victim carrying a gun and presenting a gun at others.

The Court finds that the exclusion of Haynesworth's testimony was proper. Under the holding in State v. McCray, 413 S.C.76, 773 S.E.2d 914 (Ct. App. 2015), specific instances of bad conduct of victim are not admissible unless they were directed at the defendant. ("The rule has long been established in this State that evidence of other specific instances of violence on the part of the deceased are not admissible unless they were directed against the defendant, or, if directed against others, were so closely connected in point of time or occasion with the homicide as reasonably to indicate the state of mind of the deceased at the time of the homicide.) The fact that the victim may have presented a gun to others at some time before the shooting was not relevant to whether he possessed a gun on the day of his murder.

3. The Defendant alleges that the Court abused its discretion in excluding Bennie Haynesworth's testimony impeaching Anfernee's Bradley testimony.

The court finds that the exclusion of Haynesworth's testimony was proper. First, in Haynesworth's proffered testimony, he claimed not to have remembered any past events due to a head injury. He further testified in the proffer that he was mad at the victim's family at the time he spoke with law enforcement. Furthermore, the allegedly impeaching testimony was largely inadmissible hearsay.

4. The Defendant alleges that the prosecution's burden shifting and comments on Defendant's assertion of constitutional rights during closing arguments prejudiced the Defendant.


The Court instructed the jury that the State had the burden of disproving each of the elements of self-defense, and furthermore instructed the jury on the burden of proof and presumption of evidence.

5. The Defendant alleges that the Court erred in allowing evidence of Defendant's past burglary conviction to be used as impeachment evidence of Defendant's character.

The court conducted an analysis consistent with Rule 609, SCRE, and with the requirements of State v. Robinson, 426 S.C. 579, 828 S.E.2d 203 (2019), and held that the probative value of the evidence outweighed any potential for unfair prejudice.

IT IS THEREFORE ORDERED THAT: Defendant's Motion for a New Trial is denied.

AND IT IS SO ORDERED this 21st day of September, 2022.



KRISTI F. CURTIS
Presiding Judge
Third Judicial Circuit

EXHIBIT 2

Subject: FW: Demetrius Alexander Brown
Date: Tuesday, September 27, 2022 at 1:38:10 PM Eastern Daylight Time
From: Deborah Butcher
To: Robert Butcher
Category: Clients
Attachments: Demetrius Alexander Brown.pdf

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From: "Curtis, Kristi F. Secretary (Vanessa D. Durant)" <kcurtissc@sccourts.org>
Date: Thursday, September 22, 2022 at 2:03 PM
To: Debbie Butcher <dbutcher@camdensc-law.com>, "efinney@sumtercountysc.gov" <efinney@sumtercountysc.gov>
Subject: Demetrius Alexander Brown

Please see attached, the Order Denying Defendant's Motion for a New Trial. I have filed the original with the Clerk's office.

Vanessa Parnell
Administrative Assistant to
The Honorable Kristi F. Curtis
Third Judicial Circuit
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