

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal from Jasper County  
Honorable Carmen Mullen, Trial Judge  
Honorable J. Derham Cole, PCR Judge

---

Appellate Case No. 2025-000057

---

**RECEIVED**

**Dec 31 2025**

**S.C. SUPREME COURT**

JONATHAN NIEVES,

APPELLANT,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

---

**BRIEF OF RESPONDENT  
PURSUANT TO WHITE V. STATE**

---

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

D. RUSSELL BARLOW, II  
Senior Assistant Deputy Attorney General

DANIELLE DIXON  
Assistant Attorney General  
S.C. Bar No. 73999

Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737

ATTORNEYS FOR RESPONDENT

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES.....ii

STATEMENT OF ISSUES ON APPEAL.....1

STATEMENT OF THE CASE.....2

STATEMENT OF THE FACTS.....2

STANDARD OF REVIEW.....8

ARGUMENT.....9

    1. Here, where Appellant never argued at trial that the pictures had no probative value, the trial court properly exercised its discretion in admitting autopsy photos that were probative to (a) corroborating, aiding and providing context to the pathologist’s testimony, which corroborated Tyquasia Lee’s statement about Appellant’s detailed confession, and (b) proving the elements of murder.....9

    2. The trial court properly found the probative value of the photos was not substantially outweighed by the danger of unfair prejudice, especially here where Appellant conceded nothing during opening statement but instead argued the State was bringing an incomplete case.....21

    3. The nature of the bodies was depicted by unobjected-to crime scene photos, making any error in the admission of the pre-autopsy photos harmless beyond a reasonable doubt.....25

CONCLUSION.....27

## TABLE OF AUTHORITIES

### Cases

<u>Butler v. State</u> , 435 S.C. 96, 98, 866 S.E.2d 347, 348–49 (2021).....	10
<u>State v. Benton</u> , 443 S.C. 1, 6, 901 S.E.2d 701, 703 (2024).....	8, 12, 16, 18, 20, 22, 25
<u>State v. Byers</u> , 392 S.C. 438, 447, 710 S.E.2d 55, 60 (2011).....	25
<u>State v. Collins</u> , 409 S.C. 524, 763 S.E.2d 22 (2014).....	13
<u>State v. Dunbar</u> , 356 S.C. 138, 142, 587 S.E.2d 691 (2003).....	15
<u>State v. Franklin</u> , 318 S.C. 47, 55, 456 S.E.2d 357, 361 (1995).....	21, 24
<u>State v. Gilchrist</u> , 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998).....	21
<u>State v. Gray</u> , 408 S.C. 601, 613, 759 S.E.2d 160, 166 (Ct. App. 2014).....	10-11, 16, 17
<u>State v. Hawes</u> , 423 S.C. 118, 813 S.E.2d 513 (Ct. App. 2018).....	18
<u>State v. Heyward</u> , 441 S.C. 484, 895 S.E.2d 658 (2023).....	12, 20, 21-22, 23-24, 25
<u>State v. Heyward</u> , 432 S.C. 296, 852 S.E.2d 452 (Ct. App. 2020).....	13
<u>State v. Holder</u> , 382 S.C. 278, 290, 676 S.E.2d 690, 697 (2009).....	16
<u>State v. Jones</u> , 440 S.C. 214, 891 S.E.2d 347 (2023).....	11, 20, 21, 23-24, 25
<u>State v. Kornahrens</u> , 290 S.C. 281, 289, 350 S.E.2d 180, 185 (1986).....	20
<u>State v. Middleton</u> , 288 S.C. 21, 24, 339 S.E.2d 692, 693 (1986).....	16
<u>State v. Nance</u> , 320 S.C. 501, 508, 466 S.E.2d 349, 353 (1996).....	17, 18
<u>State v. Nelson</u> , 440 S.C. 413, 418-19, 891 S.E.2d 508, 510-11, 515 (2023)....	9, 11-12, 19-20, 22
<u>State v. Rosemond</u> , 335 S.C. 593, 596, 518 S.E.2d 588, 589-90 (1999).....	8
<u>United States v. Bonds</u> , 12 F.3d 540, 567 (6 <sup>th</sup> Cir. 1993).....	21

### Rules

Rule 401, SCRE.....	10
Rule 402, SCRE.....	10
Rule 403, SCRE.....	10

## **STATEMENT OF ISSUE ON APPEAL**

Did the trial court err by overruling Appellant's objection under Rule 403, SCRE, to wholly unnecessary and gruesome autopsy photos of the unidentifiable, burnt and extremely charred remains—including a detached head—of the undisputed victims, particularly where the burning occurred after the alleged murders?

## **RESPONDENT'S COUNTERSTATEMENT OF ISSUES ON APPEAL**

1. Here, where Appellant never argued at trial that the pictures had no probative value, did the trial court properly exercise its discretion in admitting autopsy photos that were probative to (a) corroborating, aiding, and providing context to the pathologist's testimony, which corroborated Tyquasia Lee's statement about Appellant's detailed confession, and (b) proving the elements of murder?
2. Did the trial court properly find the probative value of the photos was not substantially outweighed by the danger of unfair prejudice, especially when Appellant conceded nothing during opening statement but instead argued the State was bringing an incomplete case?
3. Here, where the nature of the bodies was depicted by unobjected-to crime scene photos, is any error in the admission of the pre-autopsy photos harmless beyond a reasonable doubt?

## STATEMENT OF THE CASE

Appellant is presently confined in the South Carolina Department of Corrections serving a life sentence. In April 2016, the Jasper County Grand Jury indicted Appellant for two counts of murder (2016-GS-27-00008, -00009) and one count of possession of a weapon during a violent crime (2016-GS-27-00007). On October 11, 2021, Appellant proceeded to a jury trial before the Honorable Carmen T. Mullen. Joshua Koger, Esquire, represented Appellant, and Deputy Solicitor Sean Thornton prosecuted the case. The jury convicted Appellant as indicted, and Judge Mullen sentenced him to concurrent life sentences for each murder charge and five years for the weapon charge. Appellant filed a direct appeal, which was dismissed based on his failure to order the transcript as required by Rule 207(a)(1), SCACR. The remittitur was sent January 18, 2022.

Thereafter, Appellant filed an application for post-conviction relief seeking *inter alia* a belated appeal. Respondent conceded the evidence did not show Appellant voluntarily waived his right to a belated appeal. Following a hearing, the Honorable J. Derham Cole issued an order granting Appellant a belated appeal pursuant to White but denying his remaining allegations.

## STATEMENT OF FACTS

Appellant was indicted for the murders of Bruce Specks and Shontay Jenkins, whose bodies were discovered in a burnt 2009 Dodge Journey off a rural road in Jasper County.<sup>1</sup> (App. 120-23, 178). At trial, the State's primary evidence came through witnesses Vanessa Boyles and Tyquasia Lee. Boyles, who pled guilty to lying to police in relation to this case, testified that on the morning of the murder, she overheard Appellant (whom she knew as Santana) and Boyles's boyfriend James "Jackpot" Riley planning a robbery. (App. 304-05). Boyles didn't want to be involved, so she asked them to take her to her father's house. (App. 306-07). Later that day, the

---

<sup>1</sup> Appellant was also indicted for possession of a weapon during a violent crime.

three of them drove to her father's house. (App. 305-06). Once there, they walked to a nearby Handy Man convenience store and purchased a can of gasoline.<sup>2</sup> (App. 288-94, 305-10). They returned to Boyles's father's house, and Boyles went inside with her father. (App. 310-11). Boyles testified she heard gunshots while inside, and Appellant and Jackpot returned about five minutes later; Appellant was driving his car, but Jackpot was driving an SUV. (App. 311). Boyles got in the car with Appellant, and they followed Jackpot to a dirt path. Appellant then got out of his car and went down the path with Jackpot. (App. 312-13). Boyles testified she saw flames shortly thereafter, but she could not see the vehicle. (App. 313). Appellant and Jackpot returned carrying a bookbag with images of skulls, which Boyles recognized as belonging to victim Specks. (App. 313-14). Boyles testified Appellant later told her that Jackpot "started shooting first, and he felt like he had to go along with it." (App. 316).

Boyles' father, Michael Toomer, recalled Boyles, Jackpot, and another man stopping by his house the day of the shooting. (App. 226-27). Toomer stated Jackpot pulled out a .9-millimeter gun and asked if he wanted to shoot, but Toomer said no. (App. 228). Toomer stated Boyles and the two men went to the store. (App. 230). When they returned, Boyles went inside with Toomer. (App. 230). Toomer testified Boyles later went outside but the two men were not there. He stated,

So she walked to the back of the car, like she's going to look down the dirt road. As she did that, there were shots going off in the air. If I remember right, there was two guns. One sounded like a .9 millimeter, one sounded like a revolver, because it took a minute for it to fully ring out. It didn't ring out as fast as the .9 millimeter.

(App. 230-31). Toomer clarified that the gun that sounded like a .9 millimeter fired five to six rounds, whereas the other gun fired three. (App. 232). Toomer testified Boyles said, "Daddy, I'm going because . . . dumbass is shooting." He testified that as Boyles drove away, "I saw somebody

---

<sup>2</sup> The State introduced a surveillance video and still shots showing the three of them at the store.

hop, skipping, the guy got in the car, and they left.” (App. 232-33). Toomer called 911. (App. 232).

The State also called Tyquasia Lee, a very reluctant witness who asked to be released from her subpoena. (App. 61-63). During her testimony, she denied telling investigators that she overheard Appellant and Boyles discuss a robbery. (App. 431-35). As a result, the State (pursuant to Rule 613(b), SCRE) introduced her statement through Lieutenant Charles Brown and a video recording of the statement. (App. 434-36, 445). According to Lieutenant Brown, Lee told police:

[Lee] was friends with the girl that lived across the street from [Appellant], and that they had all went into [Appellant’s] yard . . . . She said about a week or so before the bodies were found burned . . . she heard Jackpot . . . and [Boyles] . . . and [Appellant] talking about robbing someone . . . .

. . . . She said that [Appellant], Jackpot, and [Boyles] were on the front porch of [Appellant’s] house during this conversation that she overheard, and, again, she was sitting, where she says was on a log sitting in the yard, when she overheard this conversation.

She indicated that Jackpot, [Appellant], and Ms. Boyles walked into [Appellant’s] house, so she was unable to hear the rest of their conversation . . . . Lee indicated she actually told [Appellant] that he should not participate in the robbery, or whatever it was that they were gonna do.

She told me that on the Saturday that the bodies were discovered in the burned vehicle, that **[Appellant] actually told her about what happened during the incident.** [Appellant] told her that they used Vanessa Boyles’s cell phone and called the guy to come and sell them some weed.

She indicated that person was later identified as Mr. Specks. She indicated that person and another person met them at the location were Mr. Jackpot . . . and Vanessa Boyles used to live . . . .

. . . .

She said that the male . . . was driving the vehicle, and the female was sitting in the front passenger seat; that Jackpot and Vanessa got into the vehicle with him, and told the male, again, . . . said they had a friend that wanted to buy some weed.

At that time Mr. Jackpot—Mr. Riley and Vanessa got out of the vehicle and they went to get [Appellant]. When they walked back to the vehicle together, Jackpot pulled out a pistol, and he shot Bruce Specks numerous times. Then Mr. Riley—or Jackpot went around to the other side of the vehicle, and then he shot Ms. Jenkins, who was in the front seat. . . . .

. . . . .

**Mr. Specks continued to talk after he was shot by Jackpot, so Jackpot and [Appellant] beat Mr. Specks about his head with Jackpot’s pistol until he died.** After Mr. Specks died, Jackpot and [Appellant] picked him up, and moved him around into the backseat of the vehicle.

. . . . Jackpot got into Mr. Specks vehicle and drove it to the location, where it was found burned.

[Appellant] and Vanessa got into [Appellant’s] white colored vehicle and followed Jackpot. [Appellant] told her that Vanessa was driving the car, and that she hit something when she was backing out of the yard. Once they were at the location, Jackpot poured gas into the vehicle, and set the vehicle on fire.

They stood at the location for a while, and watched the vehicle burn, until the bodies disappeared. They got back into [Appellant’s] vehicle and drove to Hardeeville and to [Appellant’s] house.

. . . . .

**[Appellant] also told her that they beat Mr. Specks so hard that the handle of the pistol broke.** [Appellant] showed her the pistol with the broken handle, and she identified it as a black in color revolver, with a woodgrain grip. She said the pistol was dark—was in a dark blue—or a black bookbag with skulls or heads all over it.

On the Tuesday after the incident she saw [Appellant] leave his house with the bag, and he told her that he threw the gun in the river. [Appellant] then told her that both pistols belonged to him, and that he gave the revolver to Jackpot to use. The other pistol that [Appellant] had during the incident was black and it had a clip on it.

[Appellant] told her that he never fired his pistol, but he did beat Bruce Specks about the head.

(App. 437-44, emphasis added).

After Lieutenant Brown testified about Lee's statement, the State called Dr. Angelina Phillips, the pathologist. During her testimony, the State entered a pre-autopsy photograph of each victim (Ex. 50 and 51) and an x-ray photograph of each victim (Ex. 53 and 54) over Appellant's renewed pretrial objection. (App. 458).<sup>3</sup> Dr. Phillips testified the photographs "would help me in explaining the cause of death." (App. 462). Regarding the female victim, Dr. Phillips explained she could not "really tell injuries on the skin because it's burned or burnt off," but an x-ray revealed a projectile in the clavicle or collar bone. (App. 463-64). Dr. Phillips testified, "[T]hroughout are other fractures of bones, and that's all due to heat. I can't tell you whether there was any additional trauma to those bones, because of the heat and burning part of that." (App. 464-65).

Regarding the male victim, Dr. Phillips showed the jury a picture of the head and upper portion of the torso and noted she received additional fragments of bone debris. She explained,

[T]his body was even more charred and burned than the previous body, so there were more limitations in this case than we had on the previous one. We did do x-rays, as we did on the other case.

This did not reveal any projectiles in the remains that we had. . . . [T]here were no projectiles that showed up on x-rays. We do have some small metal debris fragments, but those are just from the process of the burning car and the debris that is with it.

You can see, again, the fractures of all the bones, and in this case, when we examined the head, what we found, in addition to the heat related fractures, were clotted blood around the base of the brain, part of skull bone. And in heat-related deaths you can get some damage that happens just because of the heat. It creates a—almost a bubbling artifact of the blood that's in the bones that comes out because of the heat.

We can differentiate that from injury-related hemorrhage, based on the location. And in this case, while the majority of the skull is missing on the left side, **we did notice that the blood was in the**

---

<sup>3</sup> The State also entered Exhibit 55; it is a photograph of a projectile recovered from the front-seat passenger's collar bone.

**base of the skull and around the brain, which is not what we generally see with hemorrhage that's from heat-related injury.**

(App. 466-67, emphasis added). Dr. Phillips clarified the hemorrhaging at the base of the skull was consistent with blunt trauma, which “occurs from the head being struck with something or hitting something blunt.” (App. 467). She agreed it could be consistent with being beaten with a pistol; on cross-examination, she also acknowledged it could be consistent with hitting the side of a car. (App. 467, 471). Dr. Phillips testified the victims’ airways contained soot, and she could not “rule out that there was a component of smoke inhalation” that led to their deaths. (App. 469). However, she explained the fire could “extend some soot down into the airway.” She concluded, based on the separate trauma unrelated to the fire, that the female victim died of a gunshot wound and the male victim died of intracranial hemorrhage involving the brain due to head injury.” (App. 469-70).

## **STANDARD OF REVIEW**

An appellate court’s review “extends only to corrections of errors of law.” State v. Benton, 443 S.C. 1, 6, 901 S.E.2d 701, 703 (2024). Appellant courts “view evidentiary rulings for abuse of discretion.” Id. “The relevance, materiality[,] and admissibility of photographs are matters within the sound discretion of the trial court and a ruling will be disturbed only upon a showing of an abuse of discretion.” State v. Rosemond, 335 S.C. 593, 596, 518 S.E.2d 588, 589-90 (1999).

## ARGUMENT

**1. Here, where Appellant never argued at trial that the pictures had no probative value, the trial court properly exercised its discretion in admitting autopsy photos that were probative to (a) corroborating, aiding, and providing context to the pathologist’s testimony, which corroborated Lee’s statement about Appellant’s detailed confession, and (b) proving the elements of murder.**

At trial, Appellant’s only objection to the crime scene and autopsy photos was to the number of pictures the State attempted to enter. Appellant now argues—for the first time—that the autopsy photos had *no* probative value.<sup>4</sup> In support, he advances three arguments: first, he contends that “in the State’s theory of events, the fire occurred after the deaths, so the photographs did not show anything that tended to prove the deaths were in fact murders or Appellant committed the homicides.” Second, he asserts “the sole disputed issue at trial was whether Appellant participated in the crimes with Jackpot.” Finally, he contends the photographs were cumulative to other evidence entered at trial. (Pet. 10). As to prejudice, Appellant acknowledges this Court has “likely seen photographs more gruesome than those here” but avers the danger of unfair prejudice “was unacceptably high” because Jackpot was “the real culprit” but the jury knew he was never even indicted. (Pet. 19).

Appellant’s arguments, however, overlook that Appellant himself acknowledged at trial that the pictures had probative value. These arguments likewise overlook that the State maintained the burden of proving the elements of murder beyond a reasonable doubt—especially here where Appellant conceded nothing in opening argument. Contra State v. Nelson, 440 S.C. 413, 418-19,

---

<sup>4</sup> The autopsy photos contained three types of photos: pre-autopsy photos showing the bodies on a table with no alteration by the pathologist (Ex. 50 & 51); x-ray photos of the victims (Ex. 53 & 54); and a photo of a projectile recovered from the female victim (Ex. 55). At trial, counsel objected to the admission of the pre-autopsy photos and the x-ray photos. It is not clear whether Petitioner is now challenging the admission of both the pre-autopsy photos and the x-ray photos or only the pre-autopsy photos. Respondent will address both out of an abundance of caution.

891 S.E.2d 508, 510-11, 515 (2023) (finding autopsy photos “had little probative value as to any disputed fact” when the defendant conceded in opening statement the victim was “brutally murdered” and agreed with the prosecution about the cause of death, where the victim was killed, and the murder weapon). In other words, it was not enough for the State to theorize that the fire occurred after the deaths; rather, the State had to prove the elements of murder beyond a reasonable doubt. Likewise, the sole dispute was *not* “whether Appellant participated in the crimes with Jackpot”; in fact, Jackpot’s involvement was not even an issue the jury had to decide. Rather, the State had the burden of proving—beyond a reasonable doubt—that Appellant killed the two victims with malice aforethought.<sup>5</sup> See Butler v. State, 435 S.C. 96, 98, 866 S.E.2d 347, 348–49 (2021) (“For our purposes in reviewing the validity of Butler's conviction, the disposition of the indictments of his codefendants—or even whether they were charged or indicted in the first place—is not dispositive. The important question is whether the State proved at Butler's trial what is necessary to convict Butler.” (internal footnote omitted)). Here, the trial court exercised its discretion in limiting the number of pictures the State could enter—which is all Appellant asked it to do. Likewise, the Court properly exercised its discretion in finding the autopsy photos were probative to proving the elements of murder and providing context to Dr. Phillip’s testimony, and thus the danger of unfair prejudice did not substantially outweigh the probative value.

Generally, “[a]ll relevant evidence is admissible.” Rule 402, SCRE. Evidence is relevant if it has “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” Rule 401, SCRE. “Although relevant, evidence may be excluded if its probative value is substantially

---

<sup>5</sup> As to the weapon charge, the State additionally had to prove he committed a violent crime with the use of a deadly weapon.

outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.” Rule 403, SCRE.

“When a photo derives probative value from its tendency to corroborate testimony, the measure of this value varies depending on the facts of each individual case.” State v. Gray, 408 S.C. 601, 613, 759 S.E.2d 160, 166 (Ct. App. 2014). “Photos that corroborate important testimony on issues significant to the case may have very high probative value, while photos that corroborate only testimony related to collateral issues will have less probative value.” Id. at 613, 759 S.E.2d at 166-67.

Since 2023, the Supreme Court of South Carolina has issued four opinions addressing photographs of deceased victims. In State v. Jones, 440 S.C. 214, 891 S.E.2d 347 (2023), a capital case, the Court concluded the danger of unfair prejudice from autopsy photos entered during the sentencing phase substantially outweighed any probative value. The Court found the pictures contained “no probative value” because they did “not depict the children’s bodies in substantially the same condition in which Jones left them” but rather depicted “advanced stages of decomposition.” Id. at 262, 891 at 372. The Court concluded that if the pictures had any probative value, such value was substantially outweighed by the danger of unfair prejudice. In making this finding, the Court emphasized the gruesome nature of the photos, which “show the children’s bodies in a state of complete discoloration; they were engulfed in maggots and contorted beyond recognition. Some of the children’s faces were missing, a number of their limbs had been eaten by animals, and one child’s head had decomposed to skeletal remains.” Id. at 263, 891 S.E.2d at 373.

In State v. Nelson, 440 S.C. 413, 891 S.E.2d 508 (2023), the South Carolina Supreme Court again found the danger of unfair prejudice from autopsy photos substantially outweighed any

probative value. Critically, the defense in Nelson conceded in opening statement that the victim was “brutally murdered” and agreed with the prosecution about the cause of death, where the victim was killed, and the murder weapon. Thus, the only disputed fact was who murdered the victim—not whether the victim was murdered or how she was killed. Id. at 417, 891 S.E.2d at 510. Because the issues of malice and how the victim was killed were not disputed, the Court found pictures showing the victim’s head and neck wounds, partial decomposition of her body, stab wounds on her back, and her swollen head “had little probative value as to any disputed fact in this case.” Id. at 418-19, 426, 891 S.E.2d at 510-11, 515. The Court further found the danger of unfair prejudice substantially outweighed the minimal probative value.

**More recently, however, the Supreme Court of South Carolina has affirmed the admission of photos depicting deceased victims in two cases.** In State v. Heyward, 441 S.C. 484, 895 S.E.2d 658 (2023), the Court affirmed the admission of “gruesome autopsy photographs” taken after the pathologist “reflected”—or peeled back—the victim’s scalp to expose tissue normally covered by the scalp. Id. at 500 & n.3, 895 S.E.2d at 666-67 & n.3. In affirming, the Court agreed with the trial court’s assessment that the photographs were highly probative in corroborating prior testimony as well as the pathologist’s testimony that the victim’s head was struck in multiple areas. Id. at 500-501, 503, 895 S.E.2d at 667-68. The Court likewise differentiated Nelson on the basis that Heyward “conceded nothing in his trial” and directly challenged the pathologist’s findings. Id. at 502-03, 895 S.E.2d at 668.

In State v. Benton, 443 S.C. 1, 901 S.E.2d 701 (2024), the Supreme Court of South Carolina affirmed the trial court’s admission of crime scene photos depicting the victim’s burned body. In doing so, the Court differentiated the case from Nelson on the basis the pictures in Nelson “were autopsy pictures of the victim’s decomposing and disfigured body,” whereas the pictures in Benton

“were relevant as they depicted the crime scene.” *Id.* at 9, 901 S.E.2d at 705. The Court found the pictures were probative in (1) making “Benton’s accomplices’ testimony more believable,” (2) providing “important context to the testimony and other evidence about who did what at the scene,” and (3) “assist[ing] the jury in their task to understand other key evidence.” *Id.*

*a. Appellant did not argue at trial that the pictures had no probative value.*

Appellant argues for the first time on appeal that the pictures did not have any probative value. At trial, however, he did not argue they had *no* probative value; rather, he argued the State should be limited to the number of photographs it could enter.

Prior to trial, Appellant objected to crime scene photos (Ex. 10, 11, 15, 16, and 19), pre-autopsy photos (Ex. 50, 51, and 52), and x-rays taken during the autopsy (Ex. 53 and 54).<sup>6</sup> (App. 65, 75-76). Regarding Exhibits 10 and 11, Appellant argued that admitting both “would be redundant because I think Number 11 is another view of Number 10.” The Court asked the solicitor how Exhibit 11 “further[ed] what you are trying to prove as far as elements of the case?” (App. 68). The solicitor responded, “[T]he burned bodies trying to dispose of evidence, all of that goes to the maliciousness of it. It also goes to the fact of exactly how the bodies are located and what was done to them.” (App. 68). However, the solicitor agreed not to use Exhibit 11. (App. 70).

Regarding the remaining scene pictures (Ex. 15, 16, and 19), Appellant argued, “Judge, I do understand what the other pictures are. If they need another picture to identify Mr. Specks. To have several pictures laid out on top, I think it’s a bit much.” (App. 71). After referencing State v. Collins, 409 S.C. 524, and State v. Heyward, 432 S.C. 296, 852 S.E.2d 452 (Ct. App. 2020), affirmed as modified, Heyward, 441 S.C. at 484, 895 S.E.2d at 658, the solicitor argued,

---

<sup>6</sup> Petitioner initially also objected to Exhibit 9 but later withdrew that objection, explaining, “Once I had a discussion with the Deputy Solicitor, I came to agree on Number 9.” (App. 66).

The test under 403 is whether there is a danger of unfair prejudice that substantially outweighs the probative value. Where the State has the burden of proving the elements of the offense charged, there are no eyewitnesses to the incident—which is what the Collins case talks about—resulting in the victim’s death, the photos provide concrete evidence as to what transpired on that fateful day.”

(App. 71-72). In response, Appellant argued,

Judge I think that—these are different than pictures of blood. These are charred bodies. **Again, I know the State has to put in some,** but it’s getting to the point where some of them you can’t tell, but the jury could assume that the bodies is in that debris.

These pictures in conjunction with the autopsy photos—I think that’s a little much. I think it runs the risk—I don’t know, how it would play on appeal, but basically at this particular point, **I am not objecting to any pictures being placed in.**

**I am objecting to the numbers of pictures being put in showing charred bodies. I think it’s a little much.**

(App. 73-74, emphasis added). The trial court ruled that the State would “either need to choose 15 and 16 to use or 19, but not all three.” (App. 74).

As to the autopsy photos, the solicitor explained they would aid the pathologist in her testimony—especially in explaining head injuries on the male victim that were not consistent with burning. (App. 75). The solicitor also noted the pathologist located a bullet fragment in the female victim. Upon Appellant’s request, the trial court determined the solicitor would have to choose between Exhibits 51 and 52.<sup>7</sup> (App. 76-78). During trial, Appellant renewed his pretrial objection when the State entered the autopsy pictures (Ex. 50, 51, 53, 54 & 55) but not when the State entered the scene pictures (Ex. 9, 10, 15 & 16).<sup>8</sup> (App. 458).

Appellant’s objection at trial was based on the *number* of photos the State sought to enter.

---

<sup>7</sup> Exhibits 51 and 52 were different pictures of the same victim. (App. 75).

<sup>8</sup> The State did not enter Exhibits 11, 19, or 52.

Appellant did not object to the State’s use of *any* photos of the victims. (App. 73-74). Likewise, he never argued the photographs did not have any probative value; rather, he stated, “I know the State has to put in some,” and “I am not objecting to any pictures being placed in. I am objecting to the *numbers* of pictures being put in showing charred bodies.” (App. 73-74, emphasis added). Appellant only asked the trial court to limit the number of pictures—not exclude *all* pictures of the victims. Ultimately Appellant received what he asked for—a limit on the number of photos entered. Because Appellant did not argue the photos contained *no* probative value, that argument should not be considered for the first time on appeal. See State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003). (“A party may not argue one ground at trial and an alternate ground on appeal.”).

*b. The autopsy photos were probative in corroborating, aiding, and providing context to the pathologist’s testimony*

During the pretrial motion regarding the admissibility of photos, the solicitor argued the photos were probative in proving the elements of murder and aiding the pathologist’s testimony. (App. 68, 71-72, 75). The solicitor likewise cited the proper standard: “The test under 403 is whether there is a danger of unfair prejudice that substantially outweighs the probative value.” (App. 72). After limiting the number of pictures the State could enter, the Court put its ruling on the record. (App. 78-79).

Here, the trial court considered the proper standard and properly exercised its wide discretion in admitting the photos, and this Court should not disrupt that finding. Specifically, the autopsy photos were probative in corroborating, aiding, and providing context to the pathologist’s testimony. Unlike most scene photos that include victims of homicide—where the body of a victim is immediately apparent—the bodies here are not immediately recognizable as human bodies. Even when investigators removed the bodies from the car, as depicted in Exhibits 15 and 16, they are

not readily recognizable as human bodies. Thus, the pre-autopsy photos—taken by an expert who understood anatomy better than law enforcement—were probative in explaining her findings and the limitations to her autopsy. See Cf. Benton, 443 S.C. at 9, 901 S.E.2d at 705 (finding crime scene photos of burned bodies were probative in “assist[ing] the jury in their task to understand other key evidence”).

Additionally, the pre-autopsy photos<sup>9</sup> and the x-ray photos provided context to and aided Dr. Phillips’ testimony. In fact, Dr. Phillips testified the photos “would help me in explaining the cause of death.” (App. 462). See Gray, 408 S.C. at 612, 759 S.E.2d at 166 (“We also rely on Dr. Marcus’s own testimony that the photos would help him explain to the jury the medical significance of Mack’s injuries.”); State v. Dial, 405 S.C. 247, 261, 746 S.E.2d 495, 502 (Ct. App. 2013) (finding trial court did not abuse its discretion in admitting autopsy photos when the expert “testified the photographs would aid her testimony”).

During her testimony, Dr. Phillips used the pre-autopsy and x-ray photos to illustrate her findings. For example, she referenced Exhibit 50 while explaining portions of the female victim’s body were missing and the body was charred, which limited her ability to identify external injuries. (App. 463). She then used Exhibit 54 to show the jury how she identified a projectile in the collarbone. (App. 464-65, 467). Next, Dr. Phillips referenced Exhibit 51 to explain how she was able to identify it as a male body and the additional limitations on the male autopsy. (App. 465-

---

<sup>9</sup> Court occasionally use the phrase “autopsy photos” to refer to *any* photo of a victim’s body outside the crime scene. True autopsy photographs, however, often contain alterations made by pathologist—which, in many cases, can lessen the probative value of the photos. Cf. State v. Middleton, 288 S.C. 21, 24, 339 S.E.2d 692, 693 (1986) (finding prejudice in autopsy photographs showing “the victim’s scalp pulled away from her skull: and “her surgically opened vaginal cavity” “clearly outweighed *any* evidentiary value”); The photos here depicted the bodies as Dr. Phillips found them—without any alterations by Dr. Phillips.

66). She then referenced Exhibit 53 to explain her conclusion that the male victim suffered blunt force trauma to his head—which was inconsistent with the fire, and which she concluded was the cause of death. (App. 465-67). Critically, Dr. Phillips, as the expert pathologist, was only witness who could offer forensic testimony about the circumstances of the crime and the manner in which the victims were killed, and her testimony was highly probative to accomplice liability<sup>10</sup> and malice aforethought. Seeing the photographs as Dr. Phillips explained her findings gave the jury context for Dr. Phillips’ testimony and aided the jury in understanding her testimony and conclusions. See Gray, 408 S.C. at 612, 759 S.E.2d at 166 (finding pathologist’s testimony “increased the probative value of [autopsy] photos because his use of the photos to explain Mack’s injuries demonstrated ‘the extent and nature of the injuries in a way that would not be as easily understood based on [expert] testimony alone’” (quoting State v. Holder, 382 S.C. 278, 290, 676 S.E.2d 690, 697 (2009) (second alteration in original))).

Finally, the pre-autopsy photos were probative for corroborating Dr. Phillips’ testimony about the limitations she encountered in these autopsies. For example, although she did not find projectiles in the male victim’s body, seeing the condition in which she received the body was probative to helping the jury understand that her failure to find projectiles did not mean the male victim was not shot. Likewise, seeing the condition of the female victim’s body was probative in helping the jury understand why Dr. Phillips could not find an entry wound or trajectory path for the projectile she recovered. The pre-autopsy pictures corroborated Dr. Phillips’ testimony about the limitations she encountered. Corroborating this testimony was especially important in light of Appellant’s opening statement, where he twice stated the State was bringing an incomplete case and told the jury, “Part of your job as jurors is to notice what is not brought in this courtroom and

---

<sup>10</sup> Specifically, it corroborated Lee’s statement about Appellant’s confession, as set forth below.

the lack thereof.” (App. 117-18). See State v. Nance, 320 S.C. 501, 508, 466 S.E.2d 349, 353 (1996) (“If the offered photograph serves to corroborate testimony, it is not an abuse of discretion to admit it.”); Gray, 408 S.C. at 612, 759 S.E.2d at 166 (finding autopsy photos “had probative value because they corroborated Dr. Marcus’s findings concerning the extent and location of Mack’s head injuries, as well as the cause of death”). In other words, here where Appellant asked the jury to focus on what was *not* presented, the photos became even more probative in corroborating Dr. Philip’s testimony, explaining the limitations of the autopsy, and establishing the cause of death of the victims.

*c. The autopsy photographs were probative in corroborating Lee’s statement about Appellant’s detailed confession.*

The autopsy x-rays photos were especially probative for corroborating Lee’s statement to police about Appellant’s very detailed confession. During the investigation, Lee provided police a statement of Appellant’s detailed account of the murder—which included details that aligned with Dr. Phillips’ conclusions. Specifically, Lee told police that according to Appellant, Appellant and Jackpot “beat Mr. Specks about his head with Jackpot’s pistol until he died” (App. 441) and “beat Mr. Specks so hard that the handle of the pistol broke.” (App. 442-43). Using the autopsy x-ray photograph, Dr. Phillips was able to explain to the jury her conclusion that the male victim had injuries consistent with blunt trauma around the head—or “being struck with something or hitting something blunt,” which she agreed were consistent with being beaten with a pistol. (App. 466-67). This detail was critical in corroborating Lee’s statement to police—especially when Lee was a very reluctant witness. The autopsy photos provided context to Dr. Phillips’ testimony and corroborated Dr. Phillips’ testimony, which in turn corroborated Lee’s statement. See Benton, 443 S.C. at 9, 091 S.E.2d at 705 (finding crime scene photos depicting burned bodies “drew probative force from their unique power to make Benton’s accomplices’ testimony more believable”);

Nance, 320 S.C. at 508, 466 S.E.2d at 353 (“If the offered photograph serves to corroborate testimony, it is not an abuse of discretion to admit it.”).

Additionally, the x-ray photo corroborated Dr. Phillips testimony about recovering a projectile from the female victim, which corroborated Lee’s statement to police that Appellant said Jackpot shot the victims. Although Dr. Phillips only recovered one projectile, seeing the condition of the body in the photos aided the jury in understanding the limitation Dr. Phillips had in these autopsies—and helped explain why she only recovered one projectile when other evidence indicated the victims were shot multiple times. Ultimately, the photographs gave context to Dr. Phillips’ testimony and were probative in corroborating Dr. Phillips’ testimony, which corroborated Lee’s statement about Appellant’s very detailed confession. See id.

*d. The autopsy photographs were probative in proving the elements of murder.*

The trial court did not abuse its discretion in finding the photographs were probative for proving the elements of murder, including malice. See State v. Hawes, 423 S.C. 118, 813 S.E.2d 513 (Ct. App. 2018) (“[T]he circuit court properly evaluated the probative value of the crime scene photographs, with respect to the question of malice, explaining that they established ‘the wounds that were inflicted on the victim, which would go to the issue of malice.’”).

Here, unlike Nelson, Appellant did not concede the victims were murdered or agree with the prosecution about the cause of death, where the victim was killed, or the murder weapon.. Nelson, 440 S.C. at 417, 891 S.E.2d at 510. Rather, at the beginning of trial, Appellant stated:

After five years, the State of South Carolina, **Jasper County**, is **bringing you an incomplete case**. They are not bringing you the whole truth.

.....

Now, the Court and Deputy Thornton say that what comes from that chair is going to be evidence. Testimony, also whatever physical

evidence. **Part of your job as jurors is to notice what is not brought in this courtroom and the lack thereof.**

That also goes to you determining whether Mr. Nieves is guilty or not guilty. And of course, as the judge has said, you will receive further instruction. They have to prove—**they need to prove their case beyond a reasonable doubt They have got to prove every element of the crime. They have got to prove beyond a reasonable doubt the things they are putting into evidence in this courtroom.** That is not just for Mr. Nieves, that is for everyone who sits at a defendant’s table.

....

I submit to you that in this case, justice cannot be whole in this case. **The State is bringing you an incomplete case.** The other person you will not see over the next day or two, his name is going to be mentioned more than Mr. Nieves. He was interviewed one time. One time, One time, early on in the investigation. That was it.

(App. 117-18, emphasis added). Not only did Appellant not concede or agree with the elements of murder, but Appellant also emphasized to the jury the State’s burden of proof. Unlike Nelson—where the only disputed fact was *who* committed the murder—there were several disputed facts here, including whether the victims were killed with malice. The trial court thus did not abuse its discretion in finding the photographs were probative for proving the elements of murder, including malice. Contra Nelson, 440 S.C. at 426, 891 S.E.2d at 515 (finding “minimal probative value in the photos because the issues of malice and how Victim was killed were not in dispute”); see Heyward, 441 S.C. at 502, 895 S.E.2d at 668 (affirming finding that autopsy photos were highly probative and differentiating Nelson in part because “Heyward conceded nothing in his trial”).

Likewise, this case is distinguishable from Jones, where the Court found no probative value in autopsy pictures that did not “depict the bodies in substantially the same condition in which Jones left them.” Here, the pictures depict the bodies as Appellant left them: consumed by the fire Appellant intentionally set. This is not a situation where an outside force such as decomposition,

animals, or insects altered the bodies before law enforcement discovered them. Rather, these pictures depict the foreseeable outcome of Appellant's actions in dousing the car and bodies in gasoline and burning them: charred human bodies. These pictures depicting the charred nature of the bodies are thus relevant and probative in proving malice—especially here where Boyles' testimony indicated they purchased gasoline *before* the victims were shot. See Jones, 440 S.C. at 259, 891 S.E.2d at 371 (“Photographs are relevant if they ‘depict the bodies of the murder victims in substantially the same condition in which the defendant left them.’” (quoting State v. Kornahrens, 290 S.C. 281, 289, 350 S.E.2d 180, 185 (1986))); Benton, 443 S.C. at 9, 901 S.E.2d at 705 (finding crime scene photos depicting burned bodies probative to corroborating testimony, providing context to testimony, and aiding the jury in understanding key evidence).

Finally, the x-ray photos provided context to Dr. Phillips' opinion that the male victim died from blunt trauma to his head, and the female victim died from a gunshot wound. These details differentiated these deaths as murder rather than accidental deaths, making the photos probative to malice. Thus, as Appellant acknowledged at trial, the photos had probative value.

**2. The trial court properly found the probative value of the photos was not substantially outweighed by the danger of unfair prejudice, especially here where Appellant conceded nothing during opening statement but instead argued the State was bringing an incomplete case.**

Appellant acknowledged at trial that the pictures had probative value when he stated, “I am not objecting to any pictures being placed in. I am objecting to the numbers of pictures being put in showing charred bodies.” (App. 73-74). Thus, the issue here is not whether the pictures have any probative value (they do), but whether their probative value is substantially outweighed by the danger of unfair prejudice. Here, where Appellant conceded nothing during opening (leaving the issue of murder in dispute) and where the photographs corroborated, aided, and provided context

to Dr. Phillips' testimony (which was critical for establishing the elements of murder), the probative value of the pictures was not substantially outweighed the danger of unfair prejudice.

“Unfair prejudice does not mean the damage to a defendant’s case that results from the legitimate probative force of the evidence; rather, it refers to evidence which tends to suggest a decision on an improper basis.” State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998) (quoting United States v. Bonds, 12 F.3d 540, 567 (6<sup>th</sup> Cir. 1993)). “[G]ruesome autopsy photographs carry the inherent tendency to cause an emotional reaction on the part of the jury.” Heyward, 441 S.C. at 501, 895 S.E.2d at 667. However, photographs do not “become inadmissible because they graphically depict a gruesome scene. Rather, the question is whether the photographs are unfairly prejudicial so as to outweigh the probative value.” Jones, 440 S.C. at 260, 891 S.E.2d at 371 (quoting State v. Franklin, 318 S.C. 47, 55, 456 S.E.2d 357, 361 (1995)).

Here, the danger of unfair prejudice did not substantially outweigh the probative value of the photographs. Like the photographs in Heyward, these photographs were highly probative in corroborating Dr. Phillips' testimony, which in turn corroborated Lee's statement. See Heyward, 441 S.C. at 500-501, 503, 895 S.E.2d at 667-68 (finding photographs highly probative in corroborating prior testimony as well as the pathologist's testimony that the victim's head was struck in multiple areas—especially when the only eyewitness did not testify the victim was hit in the head). Dr. Phillips' conclusions provided forensic evidence that supported Lee's statement about Appellant's detailed confession—making Dr. Phillips' testimony and the pictures that corroborated and supported her testimony highly probative. Further, like Heyward, this case is distinguishable from Nelson because Appellant did not concede the victims had been murdered. Contra Nelson, 440 S.C. at 426, 891 S.E.2d at 515 (finding “minimal probative value in the photos because the issues of malice and how Victim was killed were not in dispute”); see Heyward, 441

S.C. at 502, 895 S.E.2d at 668 (affirming trial court’s finding that autopsy photos were highly probative and differentiating Nelson in part because “Heyward conceded nothing in his trial”). The photographs in Heyward—depicting a reflected scalp that was done during the autopsy—were likely more prejudicial than the pictures here. Notwithstanding that, the South Carolina Supreme Court determined the trial court acted in its discretion in admitting those photographs.

Likewise, in Benton, the South Carolina Supreme Court affirmed the trial court’s admission of crime scene photos depicting burnt bodies. Like the photos in Benton, the photos here made Dr. Phillips’ testimony more believable, which in turn made Lese’s statement about Appellant’s detailed confession more believable. See Benton, 443 S.C. at 9, 901 S.E.2d at 705 (“They drew probative force from their unique power to make Benton’s accomplices’ testimony more believable.”). Like the photos in Benton, the photos here provided context to Dr. Phillips’ testimony about her findings as well as the limitations she encountered in the autopsies. See id. (“The pictures gave important context to the testimony and other evidence about who did what at the scene.”). Finally, like the photos in Benton, the photos here aided the jury in understanding Dr. Phillips’ testimony—which was critical for establishing murder *and* corroborating Lee’s statement. See id. (“Under the specific circumstances of this case, the pictures assisted the jury in their task to understanding other key evidence.”).

In evaluating prejudice, this Court should distinguish these photos from more gruesome photos it has likely encountered. The pre-autopsy photos here are pictures of the bodies in the condition that Appellant left them; they are not dissection pictures or pictures of a “reflected” scalp that were taken after the pathologist altered the body. See Heyward, 441 S.C. at 502-03, 895 S.E.2d at 668 (finding probative value of gruesome autopsy photos depicting a reflected scalp was not outweighed by unfair prejudice). Likewise, they are not decomposed bodies covered in maggots.

Contra Jones, 440 S.C. at 262-63, 891 S.E.2d at 372-73 (finding no probative value to autopsy photos depicting severely decomposed bodies “engulfed in maggots” that did not depict the bodies in the manner the defendant left them). Although the details of this case are difficult to consider, the autopsy photographs are not immediately recognizable as human bodies, which minimizes the initial shock value of the pictures. Appellant himself seemingly concedes this when he acknowledges “counsel for Appellant and the state, as well as the members of this Court, have likely seen photographs more gruesome than those here.” (Pet. 19).

Appellant’s primary argument regarding prejudice is that the primary culprit—whom he contends is Jackpot—was not indicted, leaving “the jury with one avenue to see justice done for the horribly burnt victims it saw before them: convict the man in front of them.” (Pet. 19). This red-herring argument, however, ignores Lee’s statement of Appellant’s very detailed confession—which implicates Appellant in planning the robbery with Jackpot, giving Jackpot a gun, hitting the male victim in the head so hard the butt of the gun broke, dousing the car and bodies with gasoline, and setting them on fire. (App. 437-44). This argument likewise ignores that Lee’s account of Appellant’s detailed confession was corroborated by Dr. Phillips’ findings, which were supported by the pictures themselves. This argument also ignores Boyles’s testimony about hearing Appellant and Jackpot plan a robbery, going to the gas station with Appellant and Jackpot to purchase gasoline, hearing gunshots while she was with her father, riding with Appellant (and following Jackpot) to the rural road where the victims’ bodies were later found, seeing the fire after Appellant and Jackpot went into the woods with the victims’ vehicle, and seeing the two men return with a backpack belonging to one of the victims. (App. 304-14). It also ignores that Boyles testified Appellant told her Jackpot “started shooting first, **and [Appellant] felt like he had to go along with it.**” (App. 316, emphasis added). In other words, this red-herring argument ignores all

the evidence presented implicating Appellant in these murders. Although some of that evidence was supported by the pictures, and although the pictures aided, corroborated, and provided context to Dr. Phillips' testimony, the pictures were not the *only* evidence implicating Appellant. Finally, although the defense theory centered on Jackpot being the unindicted guilty culprit, the jury was tasked with determining whether the State proved beyond a reasonable doubt that *Appellant* murdered the victims—not with whether Jackpot was involved in these heinous crimes.

Admittedly, “gruesome autopsy photographs carry the inherent tendency to cause an emotional reaction on the part of the jury.” Heyward, 441 S.C. at 501, 895 S.E.2d at 667. However, photographs do not “become inadmissible because they graphically depict a gruesome scene.” Jones, 440 S.C. at 260, 891 S.E.2d at 371 (quoting Franklin, 318 S.C. at 55, 456 S.E.2d at 361). Ultimately, the risk of an emotional reaction by the jury must be assessed and balanced against the probative nature of the photographs. Here, where Appellant conceded nothing during trial but rather argued the State was bringing an incomplete case, the pictures became even more probative to proving the elements of murder. Likewise, the pictures were probative to aiding, corroborating, and providing context to Dr. Phillips' testimony—including the limitations of the autopsies. Dr. Phillips' conclusions were critical for both distinguishing these deaths as murders rather than accidental deaths and corroborating Lee's statement about Appellant's detailed confessions. Based on the foregoing, the probative value of the photographs was not substantially outweighed by the danger of unfair prejudice, and the trial court did not abuse its discretion in admitting the photos.

**3. The nature of the bodies was depicted by unobjected-to crime scene photos, making any error in the admission of the pre-autopsy photos harmless beyond a reasonable doubt.**

If this Court concludes the pre-autopsy photographs (Exhibits 50 & 51) were admitted in error, this Court must then decide whether such error was harmless. Jones, 440 S.C. at 264, 891

S.E.2d at 373 (“Having concluded the autopsy photographs were admitted in error, we must determine whether the error was harmless.”). “Generally, appellate courts will not set aside convictions due to unsubstantial errors not affecting the result.” Benton, 443 S.C. at 9, 901 S.E.2d at 705 (quoting State v. Byers, 392 S.C. 438, 447, 710 S.E.2d 55, 60 (2011)). Appellate courts “will not reverse a criminal conviction for the erroneous admission of evidence unless the defendant shows on appeal the error was prejudicial.” Heyward, 441 S.C. at 505, 895 S.E.2d at 669.

The pre-autopsy photos are not more shocking than Exhibits 15 and 16, which were crime scene photos showing the bodies after they were removed from the vehicles. (App. 141-43, 146). Importantly, the charred nature of the bodies is readily apparent from these crime scene photos. Likewise, the fact the bodies were no longer intact is readily apparent from these photos. Although it is difficult to tell they are human bodies without considering Investigator Hardee’s testimony, the nature of the bodies (charred and no longer intact) was already before the jury—without a renewed objection.

Much of Appellant’s argument focuses on his contention that the pre-autopsy photos were unfairly prejudicial due to the nature of the bodies in and of themselves. However, scene photos depicting the nature of the bodies as charred and no longer intact were already before the jury, and the pre-autopsy photos are not more shocking than the scene photos. Any shock value to the pre-autopsy photos (Exhibits 50 and 51) would be cumulative to the shock-value of the unobjected-to scene photos depicting the bodies (primarily Exhibits 15 and 16). Thus, Appellant cannot show prejudice from the admission of Exhibits 50 and 51, and any error in their admission is harmless beyond a reasonable doubt.

**CONCLUSION**

Based on the foregoing, this Court should affirm.

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

RUSSELL D. BARLOW, II  
Senior Assistant Deputy Attorney General

DANIELLE DIXON, 73999  
Assistant Attorney General

s/Danielle Dixon  
Assistant Attorney General

**Office of the Attorney General**  
Post Office Box 11549  
Columbia, SC 29211  
803-734-3737  
DanielleDixon@scag.gov

ATTORNEYS FOR THE RESPONDENT

This 31<sup>st</sup> day of December, 2025.