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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of General Sessions
The Honorable Heath P. Taylor, Circuit Court Judge

Appellate Case No. 2024-001522

THE STATE,

Appellant,

v.

SHAYNA MCKNIGHT,

Respondent.

INITIAL BRIEF OF RESPONDENT

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STATEMENT OF THE ISSUES ON APPEAL

- I. Whether the trial court erred by failing to grant a continuance where McKnight never moved for continuance, and where McKnight was properly indicted by the grand jury.
- II. Whether the trial court properly denied McKnight's motion for directed verdict for Infliction of Great Bodily Injury Upon a Child where the evidence supported a finding that McKnight broke an infant's leg by roughly handling her at a daycare.
- III. Whether the trial court properly denied McKnight's motion for directed verdict for Unlawful Conduct Towards a Child where the evidence supported a finding McKnight improperly swaddled and roughly handled two infants, causing an unreasonable risk of bodily harm.
- IV. Whether the trial court properly charged the law of proximate cause.
- V. Whether this Court should reverse pursuant to the cumulative error doctrine.

STATEMENT OF THE CASE

A Lexington County Grand Jury indicted Appellant Shayna McKnight for Infliction of Great Bodily Injury Upon a Child, and two counts of Unlawful Conduct Towards a Child. The State alleged McKnight, a child care worker, inflicted great bodily injury upon a baby in her care (Child 1), and committed unlawful conduct toward a child against Child 1 and another baby, Child 2. The State presented video evidence allegedly showing that McKnight roughly handled Child 1, breaking her leg. The State further presented evidence allegedly showing McKnight roughly handled both babies by lifting them by one arm, and improperly swaddled both babies, raising the risk the babies would accidentally suffocate. McKnight proceeded to trial before the Honorable Heath P. Taylor, Circuit Court Judge, on August 5–8, 2024. McKnight was convicted on all counts and sentenced to twelve years' incarceration for Infliction of Great Bodily Injury Upon a Child, and five years' incarceration for both counts of Unlawful Conduct Towards a Child, with all sentences to run concurrently. This direct appeal follows.

STATEMENT OF FACTS

This incident occurred at Windsor Academy, a now-defunct day care facility in West Columbia. McKnight was a child care worker at the day care, and on the date in question had both victims, Child 1 and Child 2, in her care. Child 1's mother received a call from the day care alerting her that Child 1 could not put weight on one of her legs. A medical exam showed the child suffered a broken leg. A DSS and police investigation followed.

Police retrieved the day care's DVR equipment. Day care workers originally told police there was no video, but police obtained a warrant for the DVR. Tr.p.448. Initially, the video from the incident date was absent. Tr.p.202. Police determined the video from the incident date had been deleted, but used software to recover it. Tr.p.204.

The video shows that McKnight put Child 1 into a bouncy chair and wrapped a blanket tightly around the bottom of her face to hold her pacifier in place. State's Exhibit #24. McKnight forcefully bounced Child 1 in her chair, so much that Child 1's head bounced up and down off the chair. She did this for several minutes. Tr.p.216-17. McKnight then threw the blanket aside, violently picked Child 1 up by her arms, and walked her over to a crib. Tr.p.220. She aggressively put Child 1 into the crib, holding Child 1 by one leg as she lowered her into the crib. State's Exhibit #52. A coworker came over and examined Child 1, and McKnight removed Child 1 from the crib and laid her on the floor. Child 1 did not walk again after that, and lay motionless on the floor for almost an hour. Tr.p.226. Child 1's mother took her to the hospital where Dr. Elizabeth Renwick determined Child 1 had

suffered a displaced spiral fracture of the shaft of her left tibia. Tr.p.293. Dr. Renwick testified this type of fracture is caused by a twisting rotational force, which is diagnostic of child abuse. Tr.p.295. Child 1 received a leg cast which was designed to prevent movement of her leg for a number of weeks until the fracture healed. Tr.p.297. Dr. Renwick viewed the day care video. Regarding the way McKnight lifted Child 1 out of her bouncy chair, Dr. Renwick testified this was an inappropriate way to lift a child. Tr.p.300. She testified it was excessive force and could have resulted in an injury to Child 1's arm. Tr.p.300-02. She testified it was inappropriate to swaddle a child over two months of age because the child could flip over and suffocate. Tr.p.304. She testified McKnight should not have bounced Child 1 so forcefully in her bouncy chair, explaining Child 1's head was bouncing so much that it could have caused a brain injury. Tr.p.304. She opined McKnight should not have wrapped the blanket around Child 1's mouth due to the risk of suffocation and choking. Tr.p.304. She testified McKnight should not have placed Child 1's legs into an Indian-style position, as this could have resulted in injury. Tr.p.315. Dr. Renwick testified McKnight's lowering of Child 1 into the crib by her ankle carried the risk of injuries such as a fracture. Tr.p.306. She testified it was "certainly caused by child abuse, a pulling and a twisting." Tr.p.317. She opined Child 1 was already injured when a subsequent diaper change occurred and that the diaper change would not have caused the broken leg. Tr.p.310.

The video showed McKnight also picked up another infant, Child 2, by one arm. State's Exhibit #54, Tr.p.317. Further, McKnight swaddled Child 2 in a

blanket and placed him face down in a crib for nearly two hours. Tr.p.452–53. Dr. Renwick opined it was unsafe for McKnight to lift Child 2 from his crib by one arm. Tr.p.317. She previously testified it was unsafe to place a swaddled infant on its stomach. This practice violates state regulations for daycare facilities. Tr.p.430.

McKnight's coworker, Donna Reed, testified McKnight was "a little agitated" on the morning Child 1's leg was broken. Tr.p.350. McKnight called her over to Child 1's crib and said "I flipped her over by her leg. I heard a pop. Did you hear a pop?" Tr.p.352. After Child 1 broke her leg, she "whimpered a lot" and appeared to be in pain. Tr.p.355–56. McKnight gave a statement to a DSS worker four days after the incident. In her written statement, she wrote that when she "gently put [Child 1] in her crib, [she] heard a small click." Tr.p.393.

ARGUMENT

I. McKnight was properly indicted.

McKnight argues the trial court erred by failing to grant a continuance at the start of trial after the Lexington County Grand Jury returned a superseding indictment for Infliction of Great Bodily Injury Upon a Child, but this issue is not preserved for review because McKnight never moved for a continuance below. Regardless, McKnight was properly indicted. This Court should affirm.

A. Standard of review.

The granting or denial of a motion for a continuance is within the sound discretion of the trial judge, and the appellate court shows great deference to trial judges in this matter. State v. Colden, 372 S.C. 428, 437, 641 S.E.2d 912, 917 (Ct. App. 2007).

B. Discussion.

McKnight argues the trial court erred by failing to grant a continuance at the start of trial after the Lexington County Grand Jury returned a superseding indictment for Infliction of Great Bodily Injury Upon a Child. This issue is not preserved for review because McKnight never moved for a continuance below.

The grand jury indicted McKnight in July 2023. This indictment charged a violation of S.C. Code Ann. §16-3-95, and alleged McKnight acted “knowingly and willfully.” (Indictment). Prior to trial, the grand jury returned a superseding indictment, removing the words “knowingly and willfully” but otherwise stating the charge in the language of the statute. McKnight objected, but failed to request any

relief. Rather, counsel stated only: “We note our objection for the record.” Tr.p.119. Accordingly, the issue whether the trial court erred by failing to grant a continuance is not preserved for review because this issue was not raised and ruled on by the trial court. See State v. Johnson, 439 S.C. 331, 338, 887 S.E.2d 127, 130 (2023).

Regardless, the indictment was proper. In both indictments, the statute is referenced by its code section and the elements of the crime are laid out, providing clear notice of the charged offense. See State v. Gentry, 363 S.C. 93, 102–03, 610 S.E.2d 494, 500 (2005) (“If the objection is timely made, the circuit court should judge the sufficiency of the indictment by determining whether (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and (2) whether it apprises the defendant of the elements of the offense that is intended to be charged.”). The superseding indictment was properly phrased in the language of the statute, which does not specify the intent required. See S.C. Code Ann. § 17-19-20 (“Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place, as required by law, charges the crime substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood and, if the offense be a statutory offense, that the offense be alleged to be contrary to the statute in such case made and provided.”). While the original indictment

included superfluous language alleging McKnight acted “knowingly and willfully,” the statute itself does not include any mens rea. The State prudently chose to remove that language in the superseding indictment.

The cases and statute McKnight cites regarding the amendment of indictments are not relevant here. Those cases involve the court amending a grand jury’s indictment on motion of the solicitor without subsequent action of the grand jury, which may raise constitutional concerns. They have nothing to do with a grand jury true billing a superseding indictment, and the rationale of those cases simply does not apply to these facts. The trial court had nothing to do with the grand jury’s decision to indict McKnight in 2024, and nothing to do with the language of the accusation. The court has no power to prevent the grand jury from indicting a person.

Further, both indictments allege sufficient facts to enable McKnight to prepare a defense. The State’s proof at trial stayed within the facts alleged in the indictment. Cf. State v. Dent, 446 S.C. 121, 919 S.E.2d 394 (2025). McKnight clearly was not surprised by any of the State’s factual allegations.

McKnight alleges she was prejudiced because the State, by removing the words “knowingly and willfully,” “chang[ed] the elements of the offense.” Brief of Appellant at 12. The State has no power to change the elements of an offense through allegations in an indictment, or to remove the issue of intent from the case. The intent required to commit a crime is set by the legislature, and it is up to the court to interpret the legislative intent when the statute is silent. United States v.

Clemons, 442 S.C. 670, 675, 901 S.E.2d 280, 283 (2024). McKnight had the same ability as the State to research the statute and case law and argue which mens rea the State was required to prove. McKnight made no attempt below to demonstrate how she was prejudiced by the superseding indictment.

That McKnight suffered no prejudice is further shown by the fact that she never raised the issue of mens rea during the charge conference and did not argue lack of mens rea to the jury. Rather, McKnight sought to discredit the State's witnesses and cast blame on another daycare worker, arguing the other worker could have broken Child 1's leg while changing her diaper. Defense counsel even agreed with the solicitor's statement of the elements of the crime in closing argument. Tr.p.502. Further, McKnight did not object to the court's standard instruction on criminal intent. Tr.p.514–15. The trial court did not charge the jury that it must find McKnight acted "knowingly and willfully." The trial court correctly charged the jury in the language of the statute, and McKnight explicitly stated he had no objection to the charge. Tr.p.523. This Court should affirm.

II. The trial court correctly refused to grant a directed verdict for Infliction of Great Bodily Injury Upon a Child.

The trial court correctly refused to grant a directed verdict for Infliction of Great Bodily Injury Upon a Child because the State presented evidence from which a reasonable juror could find McKnight guilty beyond a reasonable doubt. This Court should affirm.

A. Standard of review.

On appeal from the denial of a directed verdict, this Court views the evidence and all reasonable inferences in the light most favorable to the State. State v. Pearson, 415 S.C. 463, 470, 783 S.E.2d 802, 806 (2016).

B. Discussion.

The trial court, when ruling on a directed verdict motion, views the evidence in the light most favorable to the State and must submit the case to the jury if there is any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced. Pearson, 415 S.C. at 473, 783 S.E.2d at 807. The evidence is sufficient where one reasonable juror could find guilt. State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016).

S.C. Code Ann. § 16-3-95 provides: “It is unlawful to inflict great bodily injury upon a child.” For purposes of this section, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious or permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

The State presented video evidence that McKnight caused great bodily injury to Child 1. State's Exhibits #21–25, #51–52. Child 1 suffered a broken tibia, a major debilitating injury, particularly for a ten-month-old infant. Before the injury, Child 1 had been close to walking. Child 1's leg was immobilized in a cast, and she was unable to crawl for "around two months." Tr.p.181. Considering Child 1 had only been alive for ten months at the time of the injury, her injury and recovery met the statutory definition of "protracted loss or impairment of the function of any bodily member or organ" sufficient to allow a reasonable juror to find her guilty. This Court should affirm.

III. The trial court correctly refused to grant a directed verdict for Unlawful Conduct Towards a Child.

The trial court correctly refused to grant a directed verdict for Unlawful Conduct Towards a Child because the State presented evidence from which a reasonable juror could find McKnight guilty beyond a reasonable doubt. This Court should affirm.

A. Standard of review.

On appeal from the denial of a directed verdict, this Court views the evidence and all reasonable inferences in the light most favorable to the State. State v. Pearson, 415 S.C. 463, 470, 783 S.E.2d 802, 806 (2016).

B. Discussion.

The trial court, when ruling on a directed verdict motion, views the evidence in the light most favorable to the State and must submit the case to the jury if there is any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced. Pearson, 415 S.C. at 473, 783 S.E.2d at 807. The evidence is sufficient where one reasonable juror could find guilt. State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016).

S.C. Code Ann. § 63-5-70 provides it is unlawful for a person who has charge or custody of a child or who is responsible for the welfare of a child to (1) place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or to (2) do or cause to be done unlawfully or maliciously any

bodily harm to the child so that the life or health of the child is endangered or likely to be endangered.

The evidence of Unlawful Conduct Towards a Child was roughly the same for Child 1 and Child 2. The State presented evidence that McKnight swaddled Child 2 in a blanket and placed him face down in a crib for nearly two hours. Tr.p.314, 452–53; State’s Exhibit #35. Dr. Elizabeth Renwick opined it was unsafe to swaddle children older than two months old due to the risk that they could roll over onto their stomach and suffocate. McKnight not only swaddled Child 2 improperly, she placed him face down in a crib for nearly two hours, conduct which a reasonable jury could find placed Child 2 at an unreasonable risk of harm. Likewise, McKnight wrapped Child 1’s blanket around her mouth while Child 1 had a pacifier in, conduct which Dr. Renwick testified could result in suffocation or aspiration. Tr.p.304. Further, Dr. Renwick testified it was dangerous for McKnight to lift an infant from their crib by one arm because this could result in serious injury to the arm. Tr.p.317. McKnight abused both Child 1 and Child 2 in this way. A reasonable juror could conclude McKnight’s conduct placed Child 1 and Child 2 at an unreasonable risk of harm.

McKnight argues on appeal that evidence that McKnight forcefully picked up Child 2 by one arm constituted a “material variance” from the indictment. McKnight did not argue below that there was a material variance from the indictment, and the trial court never ruled on this issue. Thus this argument is not preserved for review. Regardless, this evidence was presented in addition to the

evidence that McKnight improperly swaddled Child 2's full body and placed him face down in his crib, conduct that was alleged in the indictment and proved by video evidence. McKnight was not prejudiced. This Court should affirm.

IV. The trial court properly charged the law of proximate cause.

The trial court correctly charged the law of proximate cause because the issue of causation was raised by McKnight during trial. This Court should affirm.

A. Standard of review.

An appellate court will not reverse the trial judge's decision regarding a jury charge absent an abuse of discretion. State v. Marin, 415 S.C. 475, 482, 783 S.E.2d 808, 812 (2016).

B. Discussion.

The law to be charged must be determined from the evidence presented at trial. Marin, 415 S.C. at 482, 783 S.E.2d at 812. In reviewing jury charges for error, the appellate court must consider the court's charge as a whole in light of the evidence and issues presented at trial. Id. A request to charge a correct statement of the law on an issue raised by the indictment and the evidence presented at trial should not be refused. State v. Brandt, 393 S.C. 526, 549, 713 S.E.2d 591, 603 (2011). If there is any evidence to support a charge, the trial court should grant the request. Id.

McKnight objected to a charge on proximate cause, arguing it would be confusing because McKnight had no codefendants. The trial court correctly pointed out that defense counsel raised the issue through questioning by suggesting another daycare worker could have broken Child 1's leg while changing her diaper after the State alleged the injury had already occurred. Tr.p.475, 329–34. Defense counsel even suggested the diaper change could have “contributed” to the broken leg.

Tr.p.332. Thus defense counsel placed the issue of causation directly before the jury, raising the need for the trial court to correctly explain the law to the jury.

The charge was a correct statement of law. See State v. Dantonio, 376 S.C. 594, 605, 658 S.E.2d 337, 343 (Ct. App. 2008). McKnight did not seriously contest the substantive correctness of the charge, asking the Court to clarify that “if they determine there may be proximate cause, it still has to be beyond a reasonable doubt that the injury occurred.” Tr.p.477. At the conclusion of the charge, counsel stated he had no objection.

McKnight argues the charge was somehow improper in a criminal case because the propriety of the charge has only been addressed by the appellate courts in homicide cases. But she fails to offer any logical reason why the charge is inapplicable in a non-homicide case. And again, McKnight did not make this argument below. Because the issue of causation was squarely before the jury, the trial court correctly instructed the jury on the applicable law. This Court should affirm.

V. This Court should not reverse pursuant to the cumulative error doctrine.

There was no error committed in this case, much less cumulative error. $0 + 0 = 0$. This Court should affirm.

CONCLUSION


For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court should be affirmed.

Respectfully submitted,

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PROOF OF SERVICE

I, Susan Spencer, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Alissa L. Wilson, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.

This 16th day of January, 2026.



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From: Susan Spencer
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Subject: The State v. Shayna McKnight (2024-001522)
Attachments: MCKNIGHT Shayna - Initial Brief of Respondent.pdf

Good afternoon Ms. Wilson,

Attached please find the Initial Brief of Respondent and Designation of Matter in The State v. Shayna McKnight (2024-001522). This Brief will be filed today with the Court of Appeals via the AIS OneDrive system. If you will, please confirm receipt.

Thank you.

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