RECEIVED
Feb 10 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
The Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

TERRANCE WING,

APPELLANT.

Appellate Case No. 2024-000637

FINAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

R. BRANDON LARRABEE
Senior Assistant Attorney General
S.C. Bar No. 104865

Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-6305

HON. ISAAC McDUFFIE STONE
Solicitor, Fourteenth Judicial Circuit
P.O. Box 1880
Bluffton, South Carolina 29910
(843) 779-8477

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

Statutes

Rules

APPELLANT'S STATEMENT OF ISSUES ON APPEAL

1.

Whether the court erred in admitting evidence, in violation of the Fourth Amendment, obtained from a search and seizure of Appellant, where Appellant and dozens of others were searched and seized during the execution of a search warrant for a residence and for "several people currently hanging out at the residence," since the search or seizure of a person must be supported by probable cause particularized with respect to that person?

2.

Whether the court erred in admitting the testimony of Investigator Fazekas about what he learned from codefendant and State's star witness Barnes during his interrogation, since hearsay is generally inadmissible, and since "investigative information" may not be used to circumvent the hearsay rules?

3.

Whether the court erred in admitting a "FARO" scan of bullet trajectories, where the evidence did not satisfy the *State v. Council* and *State v. Jones* factors,[1] where the evidence was inadmissible under Rule 702, SCRE, since the technique was not published and there was no known error rate for the end results?

4.

Whether the family court erred by transferring jurisdiction of the murder to the general sessions court, where the family court failed to adequately consider the *Kent v. United States*, 383

---

[1] *State v. Council*, 335 S.C. 1, 515 S.E.2d 508 (1999); *State v. Jones*, 273 S.C. 723, 259 S.E.2d 120 (1979).

U.S. 541 (1966), factors, especially since the court did not address the critical factor of the minor Appellant's lack of a prior record?

5.

Whether the court of general sessions was without subject matter jurisdiction to try the minor Appellant on the possession of a weapon during the commission of a violent crime offense, since the family court had exclusive jurisdiction of that offense and it properly refused to waive the minor Appellant into general sessions on the offense?

RESPONDENT'S COUNTER-STATEMENT OF ISSUES ON APPEAL

1.

Did the trial court properly admit the results of the search warrant when the warrant covered all individuals at the house, and even if it did not, law enforcement was allowed to conduct limited searches under the exigent circumstances exception?

2.

Was any inadmissible hearsay from Investigator Fazekas harmless where Xavier Barnes' subsequent testimony was far more damaging to Wing, and other aspects of Fazekas' alleged hearsay testimony did not meaningfully affect the determination of Wing's guilt?

3.

Did the trial court properly allow the FARO scan evidence to go before the jury when it was a probative and accurate representation of the expert testimony, and that testimony met our state's standards for reliability?

4.

Did the family court properly transfer jurisdiction over Wing's murder charges after careful consideration of the *Kent* factors in an order that provides this Court the opportunity for meaningful appellate review?

5.

Was Wing required to follow issue preservation rules regarding the weapons possession charge because his challenge is properly addressed to the circuit court's authority, not its subject matter jurisdiction?

STATEMENT OF THE CASE

Respondent accepts Appellant's statement of the case for the purposes of this appeal.

STATEMENT OF FACTS

Two days before Christmas 2019, Trey Blackshear picked up his friend, Jordan Singleton, to go riding in Beaufort County. (R. p. 276 ll. 14–17). Someone contacted Blackshear through Snapchat wanting to set up a drug deal. (R. p. 277, l. 16–p. 278, l. 6). After Singleton got into the car, Blackshear gave him a gun. (R. p. 278, ll. 18–24). The pair arrived at a local church. (R. p. 280, l. 23–p. 281, l. 3). The two buyers were waiting in the church parking lot. (R. p. 281, ll. 4–8). They each got into a backseat behind Blackshear and Singleton. (R. p. 281, l. 15–p. 282, l. 16). According to Barnes, he got into the driver's side backseat and Wing got into the passenger's side. (R. p. 314, ll. 3–8).

The deal did not go well. According to Singleton, as the two men looked at the drugs, the one seated behind Singleton put a gun to Singleton's head and said: "Run that s***." (R. p. 282, ll 19–23). Blackshear appeared to fidget. (R. p. 282, ll. 23–25).

The details of what followed were obscured by the gunfire that tore through the car. When it was over, Blackshear, who was 18 years old, was dead in the driver's seat of the car, his apparently unused gun between his feet. (R. p. 166, ll. 22–23; p. 170, ll. 23–25; p. 287, l. 17–p. 288, l. 3).

Part of what happened next was caught on security videos. The videos show two men—police believe they were the would-be drug buyers—fleeing across one street, running across a parking lot, and then crossing another street. (State's Ex. 3). After that, they climbed into a light-colored car with an already smashed rear passenger's side door. (State's Ex. 3). The car drove off. (State's Ex. 3). Barnes would testify that he and Wing were the two individuals. (R. p. 311, l. 25–p. 312, l. 5). Barnes also testified once they were back in the car, Wing explained the shooting: "He reached, so I had to put him down." (R. p. 319, ll. 7–12).

When Investigator Ryan Fazekas was dispatched to Blackshear's car, he found all four of the doors closed. (R. p. 161, ll. 20–22). When he opened the driver's side door to try to reach Blackshear, he encountered the smoke from gunfire. (R. p. 161, l. 23–p. 162, l. 11). Singleton told officers that two black men had shot Blackshear. (R. p. 163, l. 2–p. 164, l. 2). Officers also found both real and counterfeit cash in the back seat of the car. (R. p. 177, l. 23–p. 178, l. 12). There were 11 shell casings in and around the car. (R. p. 183, ll. 2–12; p. 191, ll. 6–10). During the trial Fazekas also testified to using trajectory rods to try to determine the path of projectiles during the shooting. (R. p. 183, l. 22–p. 187, l. 5).

Police tracked down the car using automated license plate readers. (R. p. 151, l. 10–p. 152, l. 2). They now had a tag number for the car. (R. p. 152, ll. 15–20). The car was registered to Kionna Ferguson. (R. p. 154, ll. 7–11). Police also received an anonymous tip that one of the people involved in the murder was Xavier Barnes. (R. p. 195, ll. 7–22).

A magistrate authorized a search warrant for the residence and those inside. (R. pp. 700-07). The warrant described the person or thing to be searched this way:

> This search warrant is for the complete search of the residence at [REDACTING] Mink Point Blvd Burton, Beaufort County SC. The residence is described as a brick / stucco single family residence bearing the number [REDACTING] above the garage on the home. The residence is currently under surveillance by BCSO. In addition there are multiple vehicles currently parked at the residence. This search warrant also includes the search of any vehicles or outbuildings on the property. In addition there are several people currently hanging out at the residence. This search warrant is also to include those on the premise[s].

(R. p. 704). The property being sought included "clothing which can be identified as being worn/owned by the suspect, counterfeit money, firearms, bullets, projectiles, casings, latent, DNA, blood, narcotic, electronic devices (phones) which may tend to identify the suspects in the case." (R. p. 705). The warrant also said law enforcement was searching for Xavier Barnes, who was 16

years old at the time, and indicated that a family court judge had signed a pick-up order for Barnes. (R. p. 705). An affidavit accompanying the warrant discussed how the getaway car was identified and recounted Jordan Singleton's testimony and identification of Barnes. (R. pp. 706-07).

Law enforcement determined that Kionna Richardson and her boyfriend, Jaesean Redd, now lived at a house on Mink Point Boulevard (R. p. 196, ll. 21–25; p. 194, l. 21–p. 195, l. 1).

Police moved in to execute the warrant. (R. p. 196, l. 22–p. 198, l. 2; p. 199, ll. 17–25). They estimated that more than 30 people were in the residence, so the officers removed each individual, zip-tied the individuals, then conducted a "quick search" of each person to check for weapons. (R. p. 199, ll. 19–25; p. 200, ll. 6–9). During the process, police encountered Wing and found that he had nine bullets stashed in one of his pockets. (R. p. 221, l. 5–p. 222, l. 6). The search of the house and nearby cars turned up several firearms. (R. p. 200, ll. 18–21; R. p. 201, ll. 7–21).

A few days later, Barnes found out that police had issued a warrant for his arrest in connection with Blackshear's murder; he turned himself in. (R. p. 323, ll. 17–19).

Wing, meanwhile, had returned to Jacksonville, Florida, where he lived. (R. p. 237, ll. 22–25). Law enforcement requested help from the U.S. Marshals Service. (R. p. 238, ll. 5–6). Wes Bowen, who also worked with the Jacksonville Sherriff's Office, led efforts to apprehend Wing. (R. p. 346, ll. 18–21; p. 347, ll. 6–12; p. 348, ll. 17–19). Bowen eventually tracked Wing to a residence in Jacksonville. (R. p. 348, ll. 21–24). On the second day of surveillance, having still not caught a glimpse of Wing, officers stopped the car of a woman who left the residence; she confirmed Wing was in the house. (R. p. 349, ll. 13–23).

Officers surrounded the residence and used loudspeakers to encourage him to surrender. (R. p. 349, l. 23–p. 350, l. 4). They got no response. (R. p. 350, ll. 13–15). They continued to do so for roughly 20 minutes. (R. p. 350, l. 20–p. 351, l. 5).

Finally, police obtained the keys to the residence from the woman at the traffic stop, who also gave the marshals permission to search the home. (R. p. 351, l. 20–p. 352, l. 2). They found Wing standing in a bathroom. (R. p. 352, ll. 6–7). Without much incident, he surrendered. (R. p. 352, ll. 8–22).

Upon Wing's return to South Carolina, the State filed two juvenile petitions against Wing—one charging him with murder, the other charging him with possession of a firearm during the commission of a violent crime. (R. pp. 5-10). He appeared before the Hon. Gerald Smoak, family court judge, for a transfer hearing on November 19, 2020. The court already had a 27-page evaluation. (R. pp. 63-89). It then heard testimony from Sgt. Ryan Fazekas, the lead investigator on the case (R. p. 14, l. 1–p. 33, l. 17), and Candice Dunn, the supervising psychologist for the coastal region for the Department of Juvenile Justice. (R. p. 34, l. 2–p. 48, l. 15). The court took the matter under advisement. (R. p. 59, l. 14–p. 61, l. 3). Eleven days later, on November 30, the family court issued an order transferring jurisdiction over Wing to general sessions. (R. pp. 91-93). The family court indicated that "[t]he State has dismissed petition number 2020-JU-07-09, Possession of a Firearm during the Commission of a Violent Crime." (R. p. 93).

On July 15, 2021, Wing was indicted for murder by the Beaufort County grand jury. (R. pp. 1-2). The grand jury also indicted Wing on the weapons possession charge. (R. pp. 3-4).

Wing went to trial before the Hon. Carmen Mullen on April 9, 2024. (R. p. 94). Wing did not raise an objection to the jurisdiction of the circuit court over the case or the weapons charge. Over the course of the trial, Wing made several objections, three of which are relevant here.

First, Wing objected to the admission of the bullets police found on him when executing the search warrant on Mink Point Boulevard. (R. p. 205, ll. 7–19). Citing *Ybarra v. Illinois*, Wing argued that the evidence found on him during the raid of the house were inadmissible because

police did not at that time individually suspect Wing of being involved in the murder and did not get his consent for the search. (R. p. 209, l. 2–p. 210, l. 2; p. 212, ll. 6–22).[2] The State countered that the search was legal because law enforcement had followed the warrant. (R. p. 210, ll. 4–15). The court found that the search complied with the warrant and the evidence could be admitted. (R. p. 213, l. 11–p. 215, l. 12).

Second, Wing objected to Fazekas' testimony regarding his conversation with Barnes. (R. p. 230, l. 1–p. 236, l. 3). Specifically, Wing argued that certain statements that Fazekas remembered Barnes making were hearsay because Barnes was available to testify at trial—and, in fact, would testify at trial. (R. p. 231, ll. 7–p. 232, l. 25). Objections continued as Fazekas testified that Barnes left the scene in Ferguson's car; that Redd was also in the car; and that investigators developed Wing as a second suspect. (R. p. 233, ll. 3–14; p. 233, l. 15–p. 234, l. 6; p. 234, ll. 12–23). The court overruled the objections.

Finally, Wing opposed the evidence from a FARO scan used by investigators to try to determine the trajectory of the bullets in the car and the testimony of Lt. Todd Schenk, who used the device. (R. p. 393, ll. 10–12). Schenk, who relied on the FARO scan to help reconstruct the incident, testified in camera. (R. p. 401, l. 6–p. 422, l. 23). The trial court later clarified for the record that the FARO scan was used to create a three-dimensional representation of the car. (R. p. 460, l. 22–p. 461, l. 2).

Lt. Schenk testified that he had done 40 hours of training on incident reconstruction and went through a four-day class on how to use the FARO machine, which he said SLED had used for more than a decade. (R. p. 404, ll. 10–24). Schenk testified about the process of using the

---

[2] There was some dispute in the courtroom about whether body camera footage showed Wing objecting to the search. (R. p. 212, l. 23–p. 213, l. 9).

machine to create a 3D view of a scene. (R. p. 407, ll. 13–p. 408, l. 20; R. p. 411, l. 12–412, l. 11). Lt. Schenk testified that the machines are sent back to the manufacturer for calibration every year, and that SLED tests their reliability every quarter. (R. p. 410, ll. 16–24). He said the allowable error is about five degrees. (R. p. 412, ll. 13–18; p. 414, l. 6–p. 415, l. 14).

On cross-examination, Lt. Schenk conceded he was not aware of whether there was a national or scientific academy that tested the reliability rates of the scanners. (R. p. 417, l. 22–p. 418, l. 6). Asked if he knew what the "error rate" of the FARO was, Lt. Schenk said he knew "that it is within two millimeters from when it takes the measurement." (R. p. 419, ll. 19–22). He also conceded that movement in the vehicle—such as towing it to the impound lot—could cause certain parts of the car to shift. (R. p. 422, ll. 1–20). Asked again after that if he knew "what the error rate for that would be," Lt. Schenk said he did not. (R. p. 422, ll. 17–23).

After Lt. Schenk's in camera testimony, Wing argued that there was no standard for the machines, that the error rate was unknown, and that the car had been moved before the FARO scan was completed. (R. p. 423, ll. 6–15). He said that the methods would not pass scrutiny under *State v. Council*, 335 S.C. 1, 19, 515 S.E.2d 508, 517 (1999). (R. p. 423, l. 19–p. 424, l. 2). The State responded that Lt. Schenk had been qualified as an expert in state court and used the FARO at least once before and that it was a demonstrative to help the jury. (R. p. 424, ll. 5–25).

The court ruled that it considered the issues of: (1) "Whether the theory or technique in question has been or be tested. The known or potential rate of error of a particular theory or technique and whether means exist for controlling its operation."; and (2) "The extent to where the theory or technique has been accepted." (R. p. 426, ll. 5–16). The court ruled that it would allow Lt. Schenk's testimony referring to the FARO scanner. (R. p. 426, l. 17–p. 427, l. 1).

The FARO demonstrative was entered into evidence during Lt. Schenk's testimony, along with stills from the simulation. (R. p. 439, l. 16–p. 440, l. 2; p. 440, l. 18–p. 441, l. 24; State's Ex. 90A–90F). The model showed that a bullet found in the driver's side door originated in the passenger side back seat. (R. p. 442, ll. 12–19; p. 442, l. 23–p. 443, l. 1). One shot that landed near the front passenger's seat and one that entered the dashboard also appeared to originate in the same seat. (R. p. 443, ll. 18–25; Exs. 90-C, 90-D).

The trial court later clarified for the record that it believed the demonstrative accurately portrayed what Lt. Schenk found in a report based on the FARO, and that it was fair to use before the jury for demonstrative purposes. (R. p. 461, ll. 3–25). Additionally, the court ruled that, in regard to the issues surrounding the search of Wing, it believed that the search was permissible under the exigent circumstances exception. (R. p. 462, l. 7–p. 466, l. 25).

Jurors also heard from Andrew Garinger of the Beaufort County Sheriff's Office forensic services laboratory. Garinger testified that a touch DNA mixture from the rear driver's side door armrest showed that a match to Wing was 4.26 billion times more likely than a coincidental match to an unrelated individual. (R. p. 485, ll. 15–21). For a mixture on the rear passenger's side armrest, that figure was 3.15 billion. (R. p. 482, ll. 18–20).

After deliberations that began late in the afternoon on April 10 and ended on the morning of April 11—after an overnight break in between—the jury found Wing guilty of both charges. (R. p. 658, ll. 9–15). The trial court held a sentencing hearing on April 15, 2024. (R. p. 667). There, the court sentenced Wing to 35 years for Blackshear's murder and five years on the weapons charge, to be served consecutively. (R. p. 696, l. 22–p. 697, l. 6). This appeal follows.

STANDARD OF REVIEW

Because of the number of issues raised by Wing, the State will provide the Standard of Review for each individual argument separately. As a general rule, though, "[i]n criminal matters, this court reviews errors of law only." *State v. Rosenbaum*, 438 S.C. 91, 101, 882 S.E.2d 180, 185 (Ct. App. 2022).

I. The trial court properly allowed the admission of the evidence from the search warrant, because the warrant authorized the search of those inside the residence; alternatively, the search was permissible under the exigent circumstances exception.

Standard of Review

Appellate courts in South Carolina have reviewed Fourth Amendment claims under a two-step analysis since our supreme court handed down its decision in *State v. Frasier*, 437 S.C. 625, 633–34, 879 S.E.2d 762, 766 (2022). The court should "review the trial court's factual findings for any evidentiary support, but the ultimate legal conclusion—in this case whether reasonable suspicion exists—is a question of law subject to de novo review." *Id.*

Argument

Wing contends that the search of his person outside the Mink Point Boulevard home violated his Fourth Amendment rights to be free from unreasonable search and seizure. *See* U.S. CONST. amend. IV (protecting "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated" and requiring warrants for many searches). But even if the search warrant authorizing the search of Wing was improperly broad—and the State does not concede that it was—the trial court here properly found that the exigent circumstances exemption applied. This Court should affirm that decision.

First, Wing begins his argument on this point by asserting that the case against him was "thin." This is presumably part of an argument on harmless error, but it is worth noting that Wing does not raise before this Court a claim that the evidence was insufficient to support a conviction—because it wasn't. Testimony and DNA analysis supported the theory that Wing was inside the car where Blackshear died, a co-defendant accused Wing of saying he needed to "put . . . down" Blackshear, and data from crime scene investigators indicated that the bullets likely came from the passenger's side back seat, where Wing was seated. That evidence was enough to send the case to

the jury and have them decide whether it was enough to convince them of Wing's guilt beyond a reasonable doubt.

In any event, the exercise is unnecessary because there's no need for this court to consider harmless error; the search was justified, as the trial court properly found, so there was no error.

One reason to find that the search was justified is that it was contemplated in the search warrant. When describing the person or things law enforcement wanted to search, the warrant closed with: "In addition there are several people currently hanging out at the residence. This search warrant is also to include those on the premise[s]." (Court's Ex. 1, at 5). The search warrant described what officers were looking for as "clothing which can be identified as being worn/owned by the suspect, counterfeit money, firearms, bullets, projectiles, casings, latent, DNA, blood, narcotic, electronic devices (phones) which may tend to identify the suspects in this case." (Court's Ex. 1, at 6). It also specifically identified Xavier Barnes as a subject of the search.

Wing says the warrant is not solid, at least as a basis for searching himself. He contends that even if it authorized a search of all the individuals in the house, it would be a "general warrant." Courts have recognized that preventing the use of general warrants was one of the reasons that the Founders enacted the Fourth Amendment. *See State v. Thompson*, 363 S.C. 192, 200, 609 S.E.2d 556, 560 (Ct. App. 2005) ("The specific requirement that a search warrant particularly describe the person, place, or thing to be searched 'is aimed at preventing general warrants—those authorizing a general, exploratory rummaging in a persons belongings.'" (quoting *State v. Williams,* 297 S.C. 404, 407, 377 S.E.2d 308, 310 (1989))).

In *Thompson*, this Court found that a warrant that authorized the search of an individual and his luggage and vehicles was overly broad because there was no probable cause for the broader

search. *Id.* at 201, 609 S.E.2d at 561. In that case, the evidence before the magistrate only related to whether the defendant had drugs on his person. *Id.*

In this case, there was more reason to suspect that someone in the house might have been involved in Blackshear's murder. Singleton had told law enforcement that two people were involved in the shooting, and the getaway car was parked at the house.

Even if the search warrant was overly broad, though, the circuit court correctly found that the exigent circumstances exception to the warrant requirement authorized the search.

The protections of the Fourth Amendment are robust. *See State v. Johnson*, 410 S.C. 10, 18, 763 S.E.2d 36, 41 (Ct. App. 2014) ("Generally, a warrantless search is *per se* unreasonable and thus violates the Fourth Amendment's prohibition against unreasonable searches and seizures."). However, the restriction on warrantless searches is not absolute. "[B]ecause the ultimate touchstone of the Fourth Amendment is 'reasonableness,' the warrant requirement is subject to certain exceptions." *Id.* at 18, 763 S.E.2d at 41 (alteration in the original) (quoting *State v. Herring,* 387 S.C. 201, 210, 692 S.E.2d 490, 494 (2009)).

One of those exceptions is referred to as the exigent circumstances exception. This exception comes into play when "a compelling need for official action and no time to secure a warrant exist." *Id.* at 19, 763 S.E.2d at 41. "A warrantless search is justified under the exigent circumstances doctrine where there is a risk of danger to police." *Id.; see also State v. Baccus*, 367 S.C. 41, 53, 625 S.E.2d 216, 222 (2006) ("The Fourth Amendment protects against intrusions into the human body for the taking of evidence absent a warrant unless there are exigent circumstances, such as the imminent destruction of evidence.").

Here, the officers were attempting to find evidence related to the suspects in a drug-related murder in a crowded house. They had reason to believe that at least some of the more than 30

people in the residence might have been armed. They were within their rights to search the people who were there and protect themselves from danger. *Cf. State v. Abdullah*, 357 S.C. 344, 352, 592 S.E.2d 344, 349 (Ct. App. 2004) (rejecting circuit court's finding that exigent circumstances allowing a search for suspects and victims had passed once the defendant was handcuffed to a chair).[3]

Before this Court, Wing relies heavily—as he did in the trial court—on the U.S. Supreme Court's decision in *Ybarra v. Illinois*, 444 U.S. 85, 100 S.Ct. 338, 62 L.Ed.2d 238 (1979). There, the court found that a warrant authorizing the search of a bar where the bartender was alleged to have heroin on him did not allow law enforcement to extensively search the patrons of the bar as well. *See id.* at 91–92, 100 S. Ct. at 342. If this case was like *Ybarra*, there might be some persuasive force to Wing's argument. But this case is not *Ybarra*.

Almost from the start, the *Ybarra* court's consideration of the case before it shows the differences between the circumstances there and the circumstances in Wing's case.

First, the *Ybarra* court found that while the warrant did allow for a search of the bar, it was focused on the bartender—"Greg"—and that law enforcement in that case did not appear to have probable cause to believe that anyone else in the establishment was involved in illegal activity. *Id.* at 90, 100 S. Ct. at 341–42. In a footnote, the court specifically highlighted Greg's prominence in the warrant and the fact that he worked at the bar. "Had the issuing judge intended that the warrant would or could authorize a search of every person found within the tavern, he would hardly have specifically authorized the search of 'Greg' alone." *Id.* at 90 n.2, 100 S. Ct. at 342 n.2. In

---

[3] Wing also argues that the search was beyond the limited "pat down" provided for under *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). While Wing's counsel argued to the trial court that the searches were more extensive than a pat down, it is not entirely clear that the record supports any particular finding about the extent of the search.

considering the exigency argument in *Ybarra*, the court also noted that there was no reason to believe that the defendant in that case was armed, and that the lighting was clear. *Id.* at 92–93, 100 S. Ct. at 343.

This case is different in almost every one of those particulars. What officers were dealing with here was not a search focused on a bartender selling heroin, but on a house where at least two individuals suspected of involvement in a murder were believed to be. The warrant here did, in fact, indicate that other individuals were subject to search. Rather than a well-lit bar where police could easily determine whether each individual was dangerous with relative ease, the setting for the search here was a small residence where some 30 people were gathered, and police had reason to believe that there was a gun on the premises.[4]

The warrant authorized the search of those on the premises of the Mink Point house. Even if it did not, the trial court correctly found that the exigent circumstances exception allowed for a cursory search of those inside the house to ensure residents' safety. Wing's convictions should be affirmed.

---

[4] *United States v. Di Re*—cited in *Ybarra*—does not require a different outcome. 332 U.S. 581, 68 S.Ct. 222, 92 L.Ed. 210 (1948). In finding that the search of a person present in a car where criminal conduct was taking place was improper, the Supreme Court did note the prosecution's concession that "it would not contend that, armed with a search warrant for a residence only, it could search all persons found in it." *Id.* at 587, 68 S.Ct. at 225. However, the court at that point was discussing a search for contraband; Di Re had already been "frisked" for weapons. *Id.* at 583, 78 S.Ct. at 223.

II. The trial court did not commit prejudicial error in allowing the testimony of Investigator Fazekas because, even if the testimony was hearsay, the error was harmless when Xavier Barnes' testimony was more damaging.

Standard of Review

Questions of the admission of alleged hearsay, like all evidentiary rulings, are reviewed by this Court for an abuse of discretion. *See State v. Saltz*, 346 S.C. 114, 121, 551 S.E.2d 240, 244 (2001) ("The admission or exclusion of evidence is left to the sound discretion of the trial judge, whose decision will not be reversed on appeal absent an abuse of discretion.").

Argument

Wing argues next that the trial court erred by allowing Investigator Fazekas to testify about certain information he received from Xavier Barnes. Because Barnes was available to testify at the trial—and, in fact, testified at the trial—Wing argues that Investigator Fazekas was not allowed to relate Barnes' hearsay statements, and that the admission prejudiced Wing by bolstering Barnes' testimony. But Wing's argument goes too far.

"Hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court of this State or by statute." Rule 802, SCRE. Hearsay is an out-of-court statement "offered in evidence to prove the truth of the matter asserted." Rule 801(c), SCRE. Our courts recognize a limited exception for law enforcement officers to discuss how certain discoveries influenced their investigation; as long as such evidence is limited to its effect on what actions investigators took, it is not so much being admitted for its truthfulness as necessary background to the officers' testimony. *See State v. King*, 422 S.C. 47, 68, 810 S.E.2d 18, 29 (2017) ("[W]e caution against the use and admission of 'investigative information.' While it may be couched in terms of explaining an officer's conduct during an investigation, it may not be used to offer the substance of an out-of-court statement that would otherwise violate our state's rules

against hearsay."). *See also id.* at 67, 810 S.E.2d at 28 (citing *Lewis v. State*, 80 So.3d 442, 444 (Fla. Dist. Ct. App. 2012) for the proposition that "[w]here the implication from in-court testimony is that a non-testifying witness has made an out-of-court statement offered to prove the defendant's guilt, the testimony is not admissible" (alteration in original)).

Even if Fazekas' testimony was impermissible hearsay, though, its admission constituted harmless error. The most clear-cut potential hearsay in Fazekas' statements concerned the actions Barnes took related to the crime. But the issue at trial was not Barnes' actions; the issue was whether Wing had participated in the shooting. *See State v. Reyes*, 432 S.C. 394, 406, 853 S.E.2d 334, 340 (2020) ("Put simply, the harmless error rule embodies a commonsense principle our appellate courts have long recognized—'whatever doesn't make any difference, doesn't matter.'" (quoting *State v. Jolly*, 304 S.C. 34, 39, 402 S.E.2d 895, 898 (Ct. App. 1991))). Any implication that Barnes identified Wing was far less damaging than the more extensive testimony Barnes himself gave regarding Wing's role in the shooting.

Wing attempts to obscure that by arguing that Fazekas bolstered Barnes' testimony, which Wing argues was "objectively incredible." To back up his point, Wing draws language from *State v. Saltz*. *See* 346 S.C. 114, 124, 551 S.E.2d 240, 246 (2001) ("Erroneously admitted corroboration testimony is not harmless merely because it is cumulative. On the contrary, 'it is precisely this cumulative effect which enhances the devastating impact of improper corroboration.'"). But the evidence here was not meaningfully cumulative. It was far weaker stuff than the testimony of Barnes himself. Because of the indirect nature of the hearsay, any error in admitting Investigator Fazekas' testimony was harmless. Wing's convictions should be affirmed.

III. The trial court did not err in admitting the FARO scan evidence, because it was a probative and accurate representation of the expert testimony, and the testimony met our state's standards for reliability.

Standard of Review

As with Wing's evidentiary challenge to alleged hearsay statements, *see supra*, a decision to allow evidence is reviewed for an abuse of discretion. *See State v. Saltz*, 346 S.C. 114, 121, 551 S.E.2d 240, 244 (2001) ("The admission or exclusion of evidence is left to the sound discretion of the trial judge, whose decision will not be reversed on appeal absent an abuse of discretion.").

Argument

Wing argues that the circuit court erred in admitting into evidence a FARO scan, contending that the method does not meet our state's requirements for expert evidence. But the trial court properly found that Lt. Schenk could rely on the scan in his testimony and a demonstrative could be presented to the jury, and there is no abuse of discretion in that ruling.[5]

Going slightly out of order, part of Wing's argument that he was prejudiced is based on the weight jurors would give expert testimony as a practical matter. But that misses the fact that Wing's actions at trial precipitated the State's decision to qualify Lt. Schenk as an expert. The State had not originally intended to do so because it did not think the expert designation is necessary. (See r. p. 391, ll. 16–19). Wing then argued that Lt. Schenk should not be allowed to testify because "[t]he

---

[5] In his brief before this Court, Wing asserts that "[n]o one ever explained what 'FARO' meant." Init. Br. App. at 24. That might be literally true, but it's not the whole story. Wing's counsel, for one, explained during argument over his objection that the exhibit was "a computer-generated model based on analytics." (R. p. 393, ll. 20–24). The State also explained the process to the circuit court: "And it is a visual of the work that he did within the vehicle and the measurements that he took, and it demonstrates visually where the shots originated and where they went in the vehicle." (R. p. 395, ll. 11–15). The trial court noted specifically for the appellate record that "as far as the FARO scan was concerned, obviously, it's a 3D rendition of the portions of the crime scene that they could, I guess, photograph or take pictures of to help the jury." (R. p. 460, l. 22–p. 461, l. 2).

State has conceded that he is not an expert." (R. p. 393, ll. 10–12). The State then said it would seek to qualify Lt. Schenk as an expert if it was necessary. (R. p. 393, ll. 13–19). After Wing all but forced the State to qualify Lt. Schenk as an expert if it wanted his testimony to be admissible, he can hardly now complain that the expert designation somehow enhanced the alleged prejudice here. *Cf. State v. Curtis*, 356 S.C. 622, 632, 591 S.E.2d 600, 605 (2004) ("A party cannot complain of an error which his own conduct created.").

But back to the merits. As a computer-generated demonstrative, the admissibility of the FARO report is governed by *Clark v. Cantrell*, 339 S.C. 369, 529 S.E.2d 528 (2000). In that case, our supreme court found that computer animation can be used to illustrate scenarios when it (1) is authentic; (2) is relevant; (3) portrays a fair and accurate representation of the evidence; and (4) its probative value substantially outweighs the danger of unfair prejudice. *Id.* at 384, 529 S.E.2d at 536. Here, the demonstrative passes those tests. As the trial court found, it accurately reflected Lt. Schenk's testimony, was relevant and material. *See id.* at 369, 529 S.E.2d at 537 (holding that "a party may authenticate a video animation by offering testimony from a witness familiar with the preparation of the animation and the data on which it is based"). And because it accurately portrayed for the jury the State's version of a critical portion of events and did so based on data, the probative value outweighed the potential for unfair prejudice.

Turning to the *Phillips* issue. *See State v. Phillips*, 430 S.C. 319, 844 S.E.2d 651 (2020). Because Wing objected to the introduction of testimony about the FARO analysis, a hearing—the term *Phillips* uses is "a *Daubert/Council* hearing"—should have been held. *Id.* at 343, 844 S.E.2d at 663. That is essentially what the court did. And because that hearing shows that the evidence would have passed our state's evidentiary standards, the court's imprecise framing of the *Council* test was not prejudicial.

A brief review of South Carolina's evidentiary law concerning expert testimony and technical evidence will help. In *State v. Jones*, our supreme court set the bar for scientific evidence under South Carolina's then-existing evidentiary standards: "admissibility depends upon '. . . the degree to which the trier of fact must accept, on faith, scientific hypotheses not capable of proof or disproof in court and not even generally accepted outside the courtroom.'" 273 S.C. 723, 731, 259 S.E.2d 120, 124 (1979) (quoting *People v. Marx*, 54 Cal. App. 3d 100, 110, 126 Cal. Rptr. 350, 355–56 (Cal. Ct. App. 1975)). More than a decade later, in *State v. Ford*, the court revisited this standard and applied it to DNA evidence. 301 S.C. 485, 392 S.E.2d 781 (1990).

> Here, the undisputed evidence presented at trial indicated the DNA print test *has been documented in numerous journals* and that the applicability of this test to blood and sperm samples has been demonstrated. It was established that while only two other companies currently analyze DNA for identification purposes, *thousands of universities utilize the same procedure for disease detection.* Furthermore, testimony was presented that *a quality control program is utilized* by Lifecodes to ensure the reliability of the procedure and that the tests conducted in this case were done in a manner that is *consistent with the laws of genetics and the procedures and protocol* established at Lifecodes.

Id. at 488–89, 392 S.E.2d at 783 (emphases added). This description appears to be the origin of what we call the *Jones* factors—in part because seven years later, *Council* distilled the factors that the court had used in *Ford* into a guideline for applying *Jones*. *See State v. Council*, 335 S.C. 1, 19, 515 S.E.2d 508, 517 (1999). Making the flurry of names a blizzard, reliance on those factors was reaffirmed in yet another case named *State v. Jones*, 343 S.C. 562, 573, 541 S.E.2d 813, 819 (2001).

All these decisions, though, framed the *Jones* factors as just that—factors. It is not an elements test, or a checklist where failure to meet any one of the benchmarks means that the evidence must be excluded. *See Jones* (the later one), 343 S.C. at 573, 541 S.E.2d at 819 (listing

what "[t]he *Jones* reliability factors *take into consideration*" (emphasis added); *Council*, 335 S.C. at 19, 515 S.E.2d at 517 ("In considering the admissibility of scientific evidence under the *Jones* standard, the Court *looks at several factors, including*: (1) the publications and peer review of the technique; (2) prior application of the method to the type of evidence involved in the case; (3) the quality control procedures used to ensure reliability; and (4) the consistency of the method with recognized scientific laws and procedures." (emphasis added)); *see also Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 593, 113 S.Ct. 2786, 2796, 125 L.Ed.2d 469 (1993) ("Many factors will bear on the inquiry, and we do not presume to set out a definitive checklist or test."). Wing would treat the Jones factors as an elements test, but that doesn't mean this Court should.[6]

And the circuit court properly did not. While the circuit court seemed to slip into recounting its findings in terms of *Daubert*—a test so similar to *Council* that our supreme court appears to view the two as overlapping—the evidence from the hearing the court held about Lt. Schenk's testimony fits neatly into some of the non-exhaustive factors. For example, Lt. Schenk testified about "the prior application of the method to the type of evidence involved in the case" when he testified that he does a similar scan for investigative purposes an average of five to six times a year, and SLED has used the procedure for at least a decade (R. p. 404, ll. 17–24; p. 405, ll. 14–18). As the State noted at the hearing and Lt. Schenk testified before the jury, he had been qualified to testify about FARO once previously. (R. p. 434, ll. 9–17). On "quality control procedures used to ensure reliability," Lt. Schenk testified that the manufacture calibrates the machines each year and SLED does a reliability test each quarter. (R. p. 410, ll. 16–24). As to the consistency with scientific

---

[6] To be sure, Wing doesn't turn the *Jones* factors into elements out of whole cloth. In the later *Jones*, our supreme court did comment on the failure of the evidence in that case "to meet the *Jones*' requirements[.]" *Jones*, 343 S.C. at 573, 574, 541 S.E.2d at 819. Read in the context of the decision and the history of evidentiary law in our state, it seems unlikely that the later *Jones* court intended to dramatically transform the nature of the *Jones* factors in offhanded references.

laws and procedures, Schenk testified about how he places the rods and spherical markers that allow the computer to project the flight paths of the bullets (R. p. 408, ll. 3–20); essentially, it is based on geometry.

The circuit court's ruling did not precisely track the language of *Phillips*. *See Phillips*, 430 S.C. at 343, 844 S.E.2d at 663 ("The trial court should make specific findings as to each contested element or issue."). But because the evidence presented at the *Council* hearing showed that the evidence would have met those standards, any error in the circuit court's phrasing of the ruling was harmless. As a result, this Court should affirm Wing's convictions.

IV. The family court adequately considered the *Kent* factors in determining whether to transfer jurisdiction to general sessions, and the resulting order along with the record provide this Court the opportunity for meaningful appellate review.

Standard of Review

This Court's review of the family court's transfer order is deferential. "The decision to transfer jurisdiction lies within the discretion of the family court, and the appellate court will affirm the family court's decision absent an abuse of discretion." *State v. Jones*, 392 S.C. 647, 653, 709 S.E.2d 696, 699 (Ct. App. 2011). "Because we review the lower court's decision only for an abuse of discretion, this Court would have to find the family court's order wholly unsupported by the record in this regard to find error." *State v. Pittman*, 373 S.C. 527, 560, 647 S.E.2d 144, 161 (2007).

Argument

Wing argues that the family court insufficiently considered the *Kent* factors in deciding whether to transfer jurisdiction over his case to the general sessions court. That argument misses the mark.

As Wing notes, our courts have required that a transfer order like the one in his case must explain why the court is doing what it is doing. *See State v. Kelsey*, 331 S.C. 50, 65, 502 S.E.2d 63, 70–71 (1998) ("It is the responsibility of the family court to include in its waiver of jurisdiction order a sufficient statement of reasons for, and considerations leading to, that decision. Conclusory statements, or a mere recitation of statutory requirements, without further explanation will not suffice."). But as in many cases, the *why*—the reason for this requirement from our courts—is important here.

Fortunately, our supreme court has explained that very thing, in a case not entirely unlike this one. When the court decided *In re Sullivan*, it recognized that the order in that case was "technically subject to objection." 274 S.C. 544, 547, 265 S.E.2d 527, 529 (1980). But the court

considered everything that was before the family court in that case and found that "in view of the comprehensive record that has been presented to this court and the fact that appellant was represented at the hearing by counsel who was permitted to fully argue appellant's position, we *consider the order to be sufficient for proper appellate review*." *Id.* at 547–48, 265 S.E.2d at 529 (emphasis added).

No doubt, the *Sullivan* court took the opportunity to remind family courts that the orders should not be "conclusory . . . or a mere recitation of statutory requirements, without further explanation[.]" *Id.* at 548, 265 S.E.2d at 529. But the heart of the requirement was aimed at showing that the family court gave thoughtful consideration to the evidence before it, and that the appellate courts could review the findings based on "[t]he salient facts upon which the order is based." *Id.*

For another example, look at *State v. Corey D.*, 339 S.C. 107, 529 S.E.2d 20 (2000). There, our supreme court reversed a family court's order declining to transfer jurisdiction to general sessions. *Id.* at 119, 529 S.E.2d at 27. The defendant in *Corey D.* was accused of involvement in the sexual assaults and murders of two elderly women. *Id.* at 114–15, 529 S.E.2d at 24. The family court's findings on several of the *Kent* factors appeared to support transferring jurisdiction; however, based on its findings about rehabilitation, protection of the public, and rehabilitation, the family court declined to do so. *Id.* at 116–17, 529 S.E.2d 25–26. Our supreme court found that was error: "In our opinion, the family court's decision to deny the transfer motion is not reasonably supported by its own factual findings." *Id.* at 118, 529 S.E.2d at 26. The *Corey D.* court was particularly concerned about the egregious nature of the alleged assaults and murders, and repeated its guidance that "the serious nature of the offense is a major factor in the transfer decision." *Id.*

Our supreme court could make that determination because of the evidence and the family court's findings.

There's no denying that in Wing's case, the family court was succinct. But that doesn't mean its decision was rushed. The family court had before it a 27-page waiver evaluation and heard testimony from both the lead investigator and a psychologist. The court heard arguments from the State and Wing. The court emphasized that it had taken notes and would review the report and the case law. It added: "And I've done a number of these in my many years, and I've always taken the time to do that, and I'm going to take the time to do it on this one too[.]" (Family Ct. R. p. 59, ll. 18–24). The family court filed the transfer order eleven days later. (Order of Waiver to General Sessions).

Reduced to its essence, Wing's complaint is that the family court was not thorough enough or that he disagrees with the conclusions. But the reason for an order is to record the reasons that a court made its decision to allow for this Court to review that decision—to ensure that it is not "wholly unsupported by the record." *Pittman, supra.* The order does not need to be eligible for publication in a peer-reviewed journal. It only needs to communicate why the court made the decision it did.

One of Wing's specific quibbles is that the family court did not specifically consider his prior record, and Wing's prior record was relatively slim—the dismissed school bus offense. But again, the family court was considering factors, and there is no reason to believe that the lack of previous offenses by Barnes would have overcome the seriousness of the offense, which is "a major factor in the transfer decision." *Corey D., supra.*

Wing also faults the family court because the evaluation report indicated that there were positive signs for his possibility of rehabilitation. True. The same report also indicates that there

were negative signs for Wing's potential for rehabilitation, including "his association with negative peers despite his mother's admonishments to disassociate from them"; the fact that his reportedly compliant attitude at did not seem to translate to the same kind of behavior in school or the community; that he first denied that he or his friends were affiliated with gangs, then acknowledged that he was acquainted with a gang member; and that he "might have the tendency to seek peer approval even if that meant engaging in negative behaviors." (Preadjudicatory Transfer (Waiver) Evaluation, at 17).

The order of the family court and the record before this Court is sufficient for appellate review. Because of that, even if the order here is "technically subject to objection," *see Sullivan, supra*, any deficiency did not prejudice Wing. And the family court's decision was not "wholly unsupported by the record." *Pittman, supra.* This Court should affirm his convictions.

V. Because the issue of the unwaived offense goes to the circuit court's authority, and not its subject matter jurisdiction, Wing's failure to raise the issue before the trial court means it is unpreserved.

Standard of Review

This Court's standard of review on subject matter jurisdiction is straightforward. "Whether subject matter jurisdiction exists is a question of law, which this Court is free to decide with no particular deference to the circuit court." *See S.C. Pub. Int. Found. v. Wilson*, 437 S.C. 334, 340, 878 S.E.2d 891, 894 (2022)[7]

Argument

Wing argues that because the family court did not specifically transfer jurisdiction over his weapons possession charge to the circuit court, the circuit court never had jurisdiction over him with regard to that charge. That's not correct, because his claim is aimed at the authority of the court—not its subject matter jurisdiction—and as a result, Wing abandoned this issue when he failed to raise the issue at trial.

"[S]ubject matter jurisdiction is the power of a court to hear and determine cases of the general class to which the proceedings in question belong[.]" *State v. Gentry*, 363 S.C. 93, 100, 610 S.E.2d 494, 498 (2005). *See id.* at 101, 610 S.E.2d at 499 ("Circuit courts obviously have subject matter jurisdiction to try criminal matters.").[8]

---

[7] After the initial briefing in this matter, our Supreme Court recognized the abrogation of one of the other statements of law in S.C. Pub. Int. Found. v. Wilson. *See* Nat'l Tr. For Historic Pres. In United States v. City of Charleston, Op. No. 28313 (SC Sup Ct. filed January 21, 2026 (Howard Adv. Sh. No. 3 at 33, 36 n.2). This does not appear to have altered the standard of review as stated here.

[8] To be clear, the State does not claim that the offense was transferred to the circuit court because it was related to the murder charge. The State acknowledges that our supreme court foreclosed this argument in *State v. Corey D.*, 339 S.C. 107, 120, 529 S.E.2d 20, 27 (2000) ("Although it may seem illogical that respondent will be treated as a juvenile in family court for the CSC and burglary charges, while being treated as an adult in general sessions court for the

Wing is correct in pointing out that the family court specifically found that the juvenile petition regarding possession of a firearm during the commission of a violent crime had been dismissed by the State. (Waiver Order, at 3). Wing was indicted on July 15, 2021—after the family court's ruling on waiver. (Indictments).

However, to the extent that there was any error in the circuit court hearing the case, it was an error of authority, and not subject matter jurisdiction.[9] Because of that, Wing had to preserve his objection to make it available for this Court's review. *See State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693–94 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge. Issues not raised and ruled upon in the trial court will not be considered on appeal.").

Wing's argument in a footnote that *State v. Rice* does not control this case misses the mark. *See* 401 S.C. 330, 737 S.E.2d 485 (2013). Certainly, *Rice* did concern an improper transfer order. But our supreme court rejected the jurisdiction argument in *Rice* because the defendant there had waived his non-jurisdictional arguments when he pled guilty in circuit court. Id. at 333, 737 S.E.2d at 486. In *Rice*, the court noted with approval the reasoning of an Iowa Supreme Court holding "that an error in a waiver proceeding which does not deprive the adult court of jurisdiction over criminal proceedings involving a juvenile can be waived if the juvenile pleads guilty." *Id.* (citing *State v. Yodprasit*, 564 N.W.2d 383 (Iowa 1997)). This is at the heart of the *Rice* court's finding that "an erroneous order transferring a juvenile to general sessions court would be a judicial error—not a jurisdictional error." *Id.* If a circuit court improperly going forward with a juvenile matter

---

murder charges, it is beyond this Court's power to effect a change in the statutes enacted by the Legislature.").

[9] The State notes that the same attorney represented Wing before both the family court and the circuit court.

were a jurisdictional error, the guilty plea would not operate to bar review. The error could only be waived because it was not jurisdictional. The same is true here with regard to error preservation.[10]

And that's so because the issue is not one of subject matter jurisdiction, but one of authority, as *Yodprasit* spells out. There, the court referenced an earlier precedent in Iowa that shows the distinction between subject-matter jurisdiction and authority. "Subject matter jurisdiction should not be confused with authority. A court may have subject matter jurisdiction but for one reason or another may not be able to entertain a particular case. In such a situation we say the court lacks authority to hear that particular case." *Yodprasit*, 564 N.W.2d at 385 (quoting *State v. Mandicino*, 509 N.W.2d 481, 482 (Iowa 1993) (cleaned up).

Importantly, Wing had an avenue to bring this issue up before the circuit court under Section 63-19-1210(3). "When an action is brought in a circuit court which, in the opinion of the judge, falls within the jurisdiction of the family court, he may transfer the action upon his own motion or the motion of any party." S.C. Code Ann. § 63-19-1210(3) (West). That he did not do so, on a non-jurisdictional matter, means that he cannot complain of this error now.[11]

---

[10] Interestingly, the *Yodprasit* decision explicitly mentioned the Iowa law giving juvenile courts "exclusive original jurisdiction in proceedings concerning a child who is alleged to have committed a delinquent act until otherwise provided by law." *Yodprasit*, 564 N.W.2d at 387. *Compare with* S.C. Code Ann. § 63-3-510 (West) (providing that subject to certain exceptions, the family court "shall have exclusive original jurisdiction and shall be the sole court for initiating action" regarding a child "who is alleged to have violated or attempted to violate any state or local law or municipal ordinance"). The Iowa court held that "[t]his provision does not deprive the district court of its criminal jurisdiction," grounded in the Iowa Constitution, but merely required the case to proceed in juvenile court until jurisdiction was waived. *Yodprasit*, 564 N.W.2d at 386.

[11] This is not like *Plumer*, where our supreme court found that an illegal sentence can be vacated in some cases even if it is not preserved. *See State v. Plumer*, 439 S.C. 346, 350–51, 887 S.E.2d 134, 136–37 (2023). In that instance, the sentence itself was a violation of state law. Here, Wing does not argue that he was given an invalid sentence, but that the court was without authority to give him a sentence that was valid for the conviction. *See* S.C. Code Ann. § 16-23-490(A) (West).

Because Wing's challenge is more properly considered a challenge to the sufficiency or propriety of the indictment rather than the subject matter jurisdiction of the circuit court, it was waived when he did not raise it before the circuit court. His convictions should be affirmed.

CONCLUSION

For all of the reasons above, Wing's convictions for murder and weapons possession should be affirmed.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

R. BRANDON LARRABEE
Assistant Attorney General
S.C. Bar No. 104865

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

By: s/*R. Brandon Larrabee*
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

February 10, 2026.