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Feb 17 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenville County Court of Common Pleas
The Honorable R. Scott Sprouse, Circuit Court Judge

App. Case No. 2024-000090

David Quintan Jones, #00391227,.....Petitioner,

v.

State of South Carolina,.....Respondent.

PETITION FOR REHEARING

On February 4, 2026, this Court affirmed the Petitioner's convictions in a belated-direct appeal in the above-captioned case. Because the Court's holding misapprehends the genuine issues in this case and overlooks critical facts and points of law pivotal to determination of the issues that were raised for review, Petitioner must respectfully petition for rehearing pursuant to Rules 221(a), 240, and 242 SCACR.

In this case, it was an abuse of discretion to admit into evidence and publish to the jury the video of the forensic interview. Despite the State's redactions of certain portions of the video (App.

p. 75, lines 6-16), leading questions and improper statements by the interview tainted the Child's responses and overall, the Child's interview lacked the requisite particularized "guarantees of trustworthiness." *See* S.C. Code Ann. § 17-23-175.

First, even with the redactions, there were still leading questions by the forensic interviewer, which the trial court acknowledged in its ruling on admission of the video of the interview into evidence. (App. p. 74, line 10—p. 75, line 4). What's more, the interviewer instructed the Child how to respond to a question when she does not know the answer or have one and the interviewer would continue to ask a question in different ways until a response was elicited. One example of this improper questioning occurred when the Child was asked whether she was made to do anything sexual to her father, this question was asked in several different ways despite the Child previously lacking an answer to such questioning. Such repeated leading and suggestive questioning techniques are even more problematic in a case such as here, as the Child was noticeably attention-seeking and eager to please adults. The interview here was also problematic and should have been deemed inadmissible because the interviewer would suggest details or suggest additional occasions of something occurring. For example, in regard to occurrence of the alleged abuse, the interviewer asked: "Did that stuff happen *like some days or every day or something else?*" The interviewer would also ask for more and more details even though the Child had already answered the question. For example, the interviewer asked the Child twice: "Did he say anything else?" after already asking whether her father said anything while abusing her. Other examples of leading or suggestive techniques can be seen when, without the need for clarification or a reference to a specific prior statement by the Child, the interviewer asked a series of questions eliciting whether her father ejaculated: "Did anything ever happen with your daddy's penis?...Like did any...Was there ever anything on his penis?...Was there ever anything like around his

penis?...Like, did he ever put anything around it?...Okay, um, did anything ever come out of his penis?" Further, the interview also lacks internal coherence as a whole because the Child often interjected with other unrelated subjects and took the subject matter of the interview off track. The interview also raised the specter of outside undue influence or knowledge, even that of coaching. The Child had stated that in speaking with her mother prior to the interview, her mother told her not to tell lies, but also told the Child of an incident where her grandmother may have witnessed the alleged abuse. It is also peculiar that the Child was the first in the interview to refer to her allegations as "sexual abuse" and "sex." When asked what "sex" was, the Child at first did not remember but upon further prompting, the Child described it as: "...well, when a boy who puts his penis in a girl's cauliflower." Terms like "sexual abuse" and "sex" are not terms that eight-year-olds are independently familiar with, and the potential for an adult, such as the Child's mother, to have interfered and improperly influenced the Child's account of the allegations is further demonstrated by the fact that the Child had not used either of these terms when previously describing the allegations to investigators, her pediatrician, her mother, or brother. It is also suspicious that the Child noted in the interview that her father faced jail over what she disclosed, specifically that: "*We're* still going through with...[inaudible]... he's going to go to jail or not go to jail. It's their choice". Thus, given the totality of the circumstances, the interview lacked the particularized guarantees of trustworthiness and should have been ruled inadmissible.

Respectfully, this Court's opinion also overlooks the fact that the trial court analyzed the statute's factors for admission *in light of the redactions* to the video of the interview. Redactions made after the fact do not cure an interview tainted by improper suggestion and leading. Moreover, the determination to be made for admission of the video is for the forensic interview to be examined as a whole under the factors enumerated by statute and other applicable factors. The test

provided by the statute does not create room for admission of a video that would otherwise fail to establish a particularized guarantee of trustworthiness but for redactions made to the video.

Moreover, the error in admitting the video of the interview was not harmless. The interview was prejudicial because despite its lack of reliability and lack of the guarantees of trustworthiness, it served to corroborate the State's case against Petitioner. The video of her interview also contained more sensory details and disturbing, inflammatory details that differed from her testimony and prior statements and were otherwise uncorroborated. The admission of the video was also prejudicial because the State relied upon the interview in closing arguments. *See generally State v. King*, 334 S.C. 504, 515-15, 514 S.E.2d 578, 583-84 (1999) (holding it was impossible to conclude the improper admission of certain evidence did not influence the jury's verdict where the State stressed the improper evidence during its closing argument); *see also State v. Douglas*, 302 S.C. 508, 511, 397 S.E.2d 98, 99 (1990). This was also a case without eyewitnesses, or direct or forensic evidence, as the Child's pelvic exam was normal.

In conclusion, it was prejudicial, reversible error to admit the video of the forensic interview and Petitioner respectfully urges this Court to vacate its opinion, reverse the Petitioner's convictions and sentence, and remand for a new trial.

Next, Petitioner respectfully asserts that the appellate issue pertaining to Shauna Galloway-Williams's expert testimony was preserved for review. In addition to filing a motion in limine to exclude her expert testimony, as noted on App. p. 65, lines 1-3, Defense counsel also raised an objection several times on several fronts. (App. p. 65, lines 5-12; pp. 67-68; p. 345; p. 349, lines 23-25). In sum, the Defense Counsel's objections were on the basis that Galloway-Williams's

expert testimony was more prejudicial than probative, was not necessary to assist the jury, and would bolster the credibility of the Child's sexual abuse allegations.

It was error to permit Galloway-Williams's testimony as there was no testimony regarding Galloway-Williams's methods or protocol, quality control methods, peer review, let alone rate of error. She also did not provide the citation of one study, text, or publication that she reviewed or relied upon to base her testimony. Thus, there was no basis for the trial court to have found the reliability prong met to qualify her as an expert witness. *See e.g., State v. Brown*, 411 S.C. 332, 340, 768 S.E.2d 246, 250 (Ct. App. 2015) (citing *Watson v. Ford Motor Co.*, 389 S.C. 434, 446, 699 S.E.2d 169, 175 (2010)).

Ms. Galloway-Williams's position as CEO of the Julie Valentine's Center also blurred the lines between a treating expert and blind expert testimony, as her position rendered her unable to remove herself from the circumstances of the case as a blind expert. Her position as CEO carried a degree of inherent bias that should not be permitted for an expert witness. Permitting her biased, "blind" expert witness testimony on topics like child sexual abuse dynamics, which only served to improperly corroborate the Child's otherwise uncorroborated allegations, violated Petitioner's right to a fair trial and offended principles of fundamental fairness and due process. This is particularly true given the inherent influence that the label of "expert witness" inherently carries in the eyes of the jury. *See State v. Kromah*, 401 S.C. 340, 357, 359, 737 S.E.2d 490, 499 (2013) (“[A]lthough an expert's testimony theoretically is to be given no more weight by a jury than any other witness, it is an inescapable fact that jurors can have a tendency to attach more significance to the testimony of experts.”). In addition to the innate credibility that the expert label carries to a jury's perspective, Galloway-Williams's expert testimony was prejudicial and unduly influenced the jury's verdict.

Her expert testimony offered potential explanations and alternatives to explain away otherwise contradictory and confusing behavior exhibited by the Child, her mother (Petitioner's wife), and Child's brother in the face of the allegations against Petitioner. Her expert testimony also served to reconcile the inconsistencies between the Child's pretrial statements to others, her forensic interview, and trial testimony. Because this case hinged on the credibility of the Child given the lack of direct, physical, and forensic evidence, Galloway-Williams's testimony was particularly prejudicial because her expert testimony ultimately served to salvage any slight to Child's credibility due to the inconsistencies in her statements.

CONCLUSION

In light of the foregoing, Petitioner respectfully urges this Court to vacate its opinion, reverse his convictions and sentences, and remand for a new trial.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Petition for Rehearing was upon counsel for Respondent, Assistant Attorney William Joseph Maye, via email to his AIS email address: JMaye@scag.gov.

This day the 17th of February, 2026

s/ Lauren C. Hobbis
South Carolina Bar # 103190