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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

MARCUS D. BATSON,

PETITIONER.

Appellate Case No. 2026-000009

RETURN TO PETITION FOR WRIT OF CERTIORARI

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PETITIONER'S QUESTION PRESENTED

Whether the Court of Appeals erred in affirming the admission of Petitioner's two-and-a-half-hour-long interrogation and confession, where Petitioner's will was overborne by circumstances which included the confluence of his re-shackling with improper comments by Investigator Reece, since the confession was not voluntarily made under the totality of the circumstances?

RESPONDENT'S QUESTION PRESENTED

Whether the Court of Appeals properly affirmed the admission of the Petitioner's statement when law enforcement advised him of his Miranda rights and made no improper promises or threats before Petitioner confessed to killing the victims.

STATEMENT OF THE CASE

Respondent accepts Petitioner's statement of the case for the purposes of this petition.

ARGUMENT

The Court of Appeals properly affirmed because there was no error in admitting the defendant's statement when he was not mistreated, officers made no impermissible promises or threats, and his statement was willful and voluntary.

Factual Background

On July 6, 2021, a Spartanburg electrical contractor and one of his employees found a bloody baseball bat next to a dumpster outside the contractor's business. (R. p. 109, l. 6–p. 110, l. 5). At the time, the contractor believed that the bat had likely been used to kill a dog. (R. p. 110, ll. 6–7). Upon learning about the bat the next day, the contractor's daughter called the police and provided surveillance footage to law enforcement. (R. p. 106, ll. 6–13; p. 110, ll. 10–11). The bat was picked up by Clay Risen, then working as a Spartanburg police officer. (R. p. 113, ll. 18–20; p. 114, ll. 8–13; p. 116, ll. 1–15).

Two days later, retired college professor Sharon Porter received a phone call from a neighbor of her cousin, Ronald Glenn. (R. p. 120, ll. 16–22). Prior to the call to Porter, two neighbors tried to visit Glenn. But they could not establish contact, prompting the call to Porter. (R. p. 128, l. 15–p. 129, l. 7). Porter then tried to reach her cousin. (R. p. 120, l. 16–p. 121, l. 11; p. 121, ll. 17–18). When Glenn did not respond, Porter called the police and went to Glenn's house. (R. p. 121, ll. 12–21).

Glenn was a retired school teacher who had lived on Winsmith Avenue for 30 or 40 years. (R. p. 119, l. 8–p. 120, l. 4). Glenn sold alcohol—though apparently not wine—and cigarettes out of his house. (R. p. 127, ll. 11–21). He also provided boarding to Petitioner and a man named Matthew Booker. (R. p. 125, l. 16–p. 126, l. 2).

Matthew Booker was married to Melody Booker. (R. p. 139, ll. 10–13). Though the two had separated, they were still "[b]est friends," and Melody hoped they could reconcile. (R. p. 142, ll. 5–8). Complicating Matthew Booker's life were medications that made him impotent. (R. p. 142, l. 21–p. 143, l. 12). Melody Booker said her husband was not gay, but based on what he told her, she believed Petitioner and Glenn were engaged in a sexual relationship. (R. p. 147, ll. 14–15; p. 148, ll. 15–18; p. 152, ll. 3–9).[1]

Jeremy Drake, a patrol officer for the Spartanburg Police Department, was among the law enforcement officers sent to Glenn's house on July 8. (R. p. 152, l. 21–p. 153, l. 2; R. p. 153, ll. 8–23). Drake and other officers spotted two bodies in the house—finding Booker's body on his floor and viewing Glenn's body through a window. (R. p. 156, l. 4–p. 158, l. 21). After hearing that Drake had seen the body, Ronnie Horn, an investigator for the Spartanburg Police Department, kicked down the bedroom door, which was locked with a deadbolt. (R. p. 161, ll. 14–17; p. 166, l. 13–p. 167, l. 16). Glenn was lying on the floor, dead. (R. p. 167, ll. 17–24). He was found without pants. (R. p. 175, ll. 17–18).

During the investigation into the murders, law enforcement gathered video evidence that suggested Petitioner—sometimes accompanied by Barbara Riaz—moved between Glenn's home and Riaz's home several times beginning at around 1:39 a.m. on July 6 and continuing until 5:22 a.m. (R. p. 355, l. 19–p. 363, l. 16). According to testimony, in one video, Petitioner can be seen carrying something. (R. p. 362, ll. 9–16). In one video someone stops near the dumpster where the

[1] Barbara Riaz, an acquaintance of Petitioner, testified that she also understood that Batson and Glenn were sexually involved. (R. p. 217, l. 23–p. 218, l. 8). During her testimony, Riaz admitted that she told a law enforcement official that she had trouble remembering some timing details from the period surrounding the killings because she was drunk. (R. p. 215, ll. 2–23).

baseball was found. (R. p. 362, l. 24–p. 363, l. 13). Petitioner later told police that he dumped the baseball bat. (R. p. 363, ll. 14–16). Testing on the bat revealed a DNA profile that was

> approximately 1.5 quadrillion times more likely if [a Spartanburg County evidence technician],[2] [Petitioner] and two unidentified, unrelated individuals contributed to the mixture than if [the technician] and three unidentified, unrelated individuals contributed to the mixture.

(R. p. 315, ll. 10–14). Riaz remembered that on July 6, Petitioner "had a wad of money" that she later described as "liquor-house money." (R. p. 209, ll. 12–19).

Sexual assault kits were used on Booker and Glenn's bodies. (R. p. 277, l. 2–p. 278, l. 10). No foreign DNA was found on Matthew Booker's oral, rectal, or penile swabs. (R. p. 318, l. 7–p. 320, l. 10). Similarly, no foreign DNA was found on Ronald Glenn's oral, rectal, or penile swabs. (R. p. 321, l. 6–p. 322, l. 5). Nor was any foreign DNA found on a sample of Glenn's pubic hair. (R. p. 327, ll. 2–14).

However, a mixture of DNA was found on Glenn's fingernail scrapings; examination found that the resulting DNA profile found on Glenn's left fingernail was "approximately 40 quintillion times more likely if Ronald Glenn and [Petitioner] contributed to the mixture than if Ronald Glenn and an unidentified, unrelated individual contributed to the mixture." (R. p. 322, l. 6–R. p. 323, l. 25). The profile found on Glenn's right fingernails was found to be "50 octillion times more likely if Ronald Glenn and [Petitioner] contributed to the mixture than if Ronald Glenn and an unidentified, unrelated individual contributed to the mixture." (R. p. 324, l. 14–p. 325, l. 17).

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[2] Edgar Guthro, an evidence technician for the Spartanburg Police Department, (R. p. 197, ll. 11–24), touched the handle of the bat before he knew it was evidence in an investigation. (R. p. 200, l. 18–p. 201, l. 21). Risen has also accidentally came into direct contact with the bat. (R. p. 116, ll. 18–21).

At trial, defense counsel argued against the admission of the videotape of an interrogation of Petitioner during which Petitioner, after some hesitation, confessed to carrying out the murders because Glenn and Booker were raping him. (State's Exh. 11). During the interview, as Petitioner appeared uncomfortable discussing the nature of his interactions with another man, Investigator William Reece said:

> Look here, we ain't judging nobody here man. That is not what we do. That ain't why we're here. We're just here to get to the bottom of what the heck's going on, dude. And at the same time, help the man that's sitting in front of me. Cuz I'm going to tell you right now, we're the only one that can help you right now. We really are.

(Exh. 11, 14:00:23–14:00:55). Later, as the interview is about to wrap up and Petitioner is in shackles, the following exchange occurred:

> REECE: Since you ain't got no remorse, good luck to you.
>
> PETITIONER: Remorse for what? I didn't do nothing.
>
> REECE: The evidence lines up that you did.
>
> PETITIONER: So evidence—cuz I had sexual orientation [*sic*] with this man, so [inaudible] evidence lines up like that?
>
> INVESTIGATOR CHINDAR RYANT: That's not everything we got. [Inaudible].
>
> PETITIONER: Then what the f*** is you talking about?
>
> REECE: We give you an opportunity man to say, hey, I screwed up. That's what we're here for.
>
> PETITIONER: I did not do anything, bro.
>
> RYANT: Cuz if something happened, now is the time for you to tell us what happened.
>
> [CROSSTALK]
>
> REECE: If I was sitting where you are, this is the only time I can help myself. It really is, Marc, this is the only time.

> RYANT: I guarantee you, if you were to be honest with us, you'd feel a whole lot better.
>
> REECE: And, at least we would understand and be able to say, hey, this is why this happens. Not, this guy don't care. . . .

(Exh. 11, 14:46:28–14:47:14). Shortly after that, Petitioner confessed to killing the two men.[3]

At a pretrial hearing on the interrogation, Chindar Ryant, one of the investigators who interrogated Marcus Batson, said that Batson was allowed to smoke a cigarette after the interview. (R. p. 61, ll. 8–10). She also noted that he was provided with water. (R. p. 61, ll. 11–12). Further, Ryant testified that officers did not promise Petitioner leniency, did not physically pressure him and did not misrepresent any of the evidence that law enforcement had at the time. (R. p. 61, ll. 13–20). On cross-examination, Ryant testified that Batson did not use the restroom, "[b]ut if he wanted to, he could have." (R. p. 63, ll. 15–18). She also conceded that Batson was not given food. (R. p. 63, ll. 23–24).

Like Ryant, Investigator William Reece testified that Batson was not pressured, either through physical force or other means of coercion. (R. p. 69, ll. 21–24). Reece also recalled that Petitioner was not deprived of sleep and was given water, but did not receive any food. (R. p. 69, l. 25–p. 70, l. 6). Reece also testified that he did not make any promises of leniency, though he did promise Petitioner he could smoke before being transported. (R. p. 70, ll. 7–11). Nor did Reece misrepresent the state's evidence. (R. p. 70, ll. 12–15). On cross-examination, Reece said that Petitioner never asked to use the restroom. (R. p. 75, ll. 6–8).

Arguing against admission, Petitioner's counsel argued that there were no breaks during the two-and-a-half-hour interview, and Petitioner did not confess until he had been placed in

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[3] Petitioner was properly Mirandized prior to making any incriminating statements. (R. p. 66, l. 15–p. 69, l. 5).

shackles. (R. p. 79, l. 16–p. 80, l. 7). Counsel also argued that the officers made impermissible promises. *Id.* In response, the solicitor noted the shifting nature of Petitioner's story during the interview, and that the shackles did not automatically render the statement involuntary. (R. p. 81, l. 18–p. 83, l. 5). Counsel for Petitioner replied that Petitioner's statement did not substantially change until he was placed in shackles. (R. p. 83, l. 17–p. 84, l. 7). The following day, the court found the statement admissible because Petitioner was in custody, was Mirandized, and was not subjected to pressure or promised anything in exchange for his statement. (R. p. 86, ll. 5–20).

The jury found Petitioner guilty of the murders of Glenn and Booker. (R. p. 434, ll. 2–15). The trial court sentenced Petitioner to prison for the remainder of his natural life. (R. p. 436, ll. 19–24).

Petitioner appealed to the South Carolina Court of Appeals. On October 8, 2025, the Court of Appeals filed an unpublished opinion affirming Petitioner's conviction without hearing oral argument. (App. 45–46). The court found that "based on the totality of the circumstances, [Petitioner's] statement was voluntary." (App. 46). The court noted that Petitioner "was advised of his *Miranda* rights, waived those rights, and was not under duress," (App. 46) (footnote omitted), and that "[t]he officers conducting the interrogation did not coerce him or make any promises of leniency." (App. 46).

Petitioner filed a petition for rehearing on October 23, 2025. (App. 47–56). The Court of Appeals denied the petition in an order filed December 3, 2025. (App. 57–58). Petitioner now seeks review of the Court of Appeals decision by a writ of certiorari.

Discussion

Petitioner argues that the Court of Appeals improperly affirmed his conviction, because (he says) his *Miranda* waiver did not cure law enforcement's inappropriate tactics; so, Petitioner

argues, his statement was involuntary, and its use violates his Due Process rights. Petitioner is wrong.

As this Court recently held, on appeal from a ruling on the admissibility of a statement by a defendant, "the question of voluntariness presents a mixed question of law and fact." *State v. Miller*, 441 S.C. 106, 119, 893 S.E.2d 306, 313 (2023). Significant to this petition, this Court instructed that "the ultimate legal conclusion—whether, based on th[e] facts, a statement was voluntarily made—is a question of law subject to de novo review." *Id.*

Not all police interrogation tactics violate a suspect's Due Process rights. Instead, the United States Supreme Court "has long held that certain interrogation techniques, either in isolation or as applied to the unique characteristics of a particular suspect, are so offensive to a civilized system of justice that they must be condemned under the Due Process Clause of the Fourteenth Amendment." *Miller v. Fenton*, 474 U.S. 104, 109, 106 S. Ct. 445, 449, 88 L. Ed. 2d 405 (1985). The suspect's rights are violated, the high court found, when law enforcement officers employed torture and interrogation techniques "revolting to the sense of justice" to draw out statements that were later used against a defendant at trial. *See id.* (quoting *Brown v. Mississippi*, 297 U.S. 278, 286, 56 S.Ct. 461, 465, 80 L.Ed. 682 (1936)). Our South Carolina courts have frequently framed the inquiry in terms of whether the defendant's will was overborne. *See State v. Saltz*, 346 S.C. 114, 136, 551 S.E.2d 240, 252 (2001) ("If a suspect's will is overborne and his capacity for self-determination critically impaired, use of the resulting confession offends due process.").

The rights guaranteed by the Constitution do not prohibit law enforcement officers from discussing the potential benefits of talking to officers, or the potential risk of refusing to do so. *See State v. Johnson*, 422 S.C. 439, 456, 812 S.E.2d 739, 748 ("Isolated incidents of police deception

. . . and discussions of realistic penalties for cooperative and non-cooperative [defendants] . . . are normally insufficient to preclude free choice." (cleaned up) (quoting *State v. Parker*, 381 S.C. 68, 91, 671 S.E.2d 619, 630-31 (Ct. App. 2008) (alterations in original))). Instead, courts look to "whether law enforcement offered specific promises of leniency, rather than general remarks that a cooperative attitude would be to the accused's benefit." *Miller*, 441 S.C. at 121, 893 S.E.2d at 314 (2023). Even so, a promise does not render a statement involuntary unless the promise causes the statement. *See State v. Rochester*, 301 S.C. 196, 200, 391 S.E.2d 244, 246–47 (1990) ("A statement induced by a promise of leniency is involuntary only if so connected with the inducement as to be a consequence of the promise.").

Here, as the Court of Appeals found, no impermissible threats or promises were made. The closest the officers came to a promise is when they told him not that they would help him if he made a statement, but that he would be *helping himself.* (Exh. 11, 14:46:54–14:46:58). *See Rochester*, 301 S.C. at 199–201, 391 S.E.2d at 246–47 (finding that a polygraph examiner's statement that "it would be certainly, probably, in [the defendant's] best interest to tell the truth" did not render the confession involuntary because it was "not on its face an inducement or hope of lighter punishment").

What is not permitted—and what the officers did not do in this case—is using a specific promise of leniency to pry a confession out of an unwilling suspect. *Cf.* Promise, BLACK'S LAW DICTIONARY (11th ed. 2019) ("The manifestation of an intention to act or refrain from acting in *a specified manner*, conveyed in such a way that another is justified in understanding that a commitment has been made; a person's assurance that the person will or will not do something." (emphasis added)).

Nor can the officers' other comments be credibly argued to amount to a threat. The sarcastic remark of "good luck to you" it was meant to emphasize to Petitioner that cooperating could be beneficial, and lack of cooperation could not.

The officers in this case provided Petitioner with input that he could use in making a choice about whether to cooperate. Certainly, they hoped that Petitioner would confess, but the law does not prohibit persuasion. It prohibits force.[4]

Even so, there is no indication that officers' statements directly led to an involuntary confession by Petitioner. Petitioner's confession did not immediately follow the statements Petitioner portrays as problematic. It was only after further discussions with officers—discussions that likewise did not include promises or threats—that Petitioner concluded it was in his best interest to give the officers a self-serving version of the truth. There is no evidence that the investigators' comments caused Petitioner's confession. *See Johnson*, 422 S.C. at 456, 812 S.E.2d at 748 (finding that an "isolated" reference to the death penalty given long before the suspect's confession did not render a statement involuntary).

Collins doesn't argue for a different result. *See generally State v. Collins*, 442 S.C. 444, 900 S.E.2d 426 (2024). There, this Court found that a confession should be suppressed when law enforcement actively misled a suspect about whether the officer would keep Collins' statements

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[4] Petitioner cites to *Bram v. United States*, 168 U.S. 532, 543 (1897), and *Malloy v. Hogan*, 378 U.S. 1 (1964), as part of his discussion on voluntariness. The precedential effects of those cases are questionable. All of Petitioner's language comes from a treatise quoted in *Bram*, which was in turn quoted in *Malloy*. While the United States Supreme Court has not explicitly reversed *Bram*, it has noted that at least a portion of the treatise quotation—including one phrase used by Petitioner—"under current precedent does not state the standard for determining the voluntariness of a confession." *Arizona v. Fulminante*, 499 U.S. 279, 285, 111 S. Ct. 1246, 1251, 113 L. Ed. 2d 302 (1991). The Fourth Circuit Court of Appeals has observed that, given that, "the existence of a promise in connection with a confession does not render a confession per se involuntary." *Rose v. Lee*, 252 F.3d 676, 685 (4th Cir. 2001).

confidential. *See id.* at 456–460, 900 S.E.2d at 432–434. The court held: "This *misstatement of the law* and *false assurance by law enforcement* regarding [the defendant's] constitutional rights violated due process." *Id.* at 459, 900 S.E.2d at 434 (emphases added); *see also id.* ("Such *misleading statements* undermine the fundamental fairness that every defendant is entitled to under the law . . . ." (emphasis added)).

Here, the officers did not misstate the legal consequences of Batson choosing to give a statement about the killings. They certainly did not assure Petitioner that his statements to them would remain confidential. Throughout Petitioner's interrogation, law enforcement instead did what the law says they are entitled to do: present the suspect with options and allow him to choose which avenue to take. But the choice remained with Petitioner. *See State v. Von Dohlen*, 322 S.C. 234, 243–44, 471 S.E.2d 689, 695 (1996) ("The present record reveals, not a defendant whose will was overborne by police, but one who, after considering his options, knowingly waived his *Miranda* rights and voluntarily decided to confess the details of the crime to police."), *overruled on other grounds by State v. Burdette*, 427 S.C. 490, 832 S.E.2d 575 (2019).

As to the other conditions of the interview, Petitioner points to no case law finding the use of shackles to be a determining factor in analyzing whether a statement was voluntary. In any event, while the use of shackles to prepare Petitioner for transfer might have focused his mind, it did so only because it emphasized the consequences of his calculation. Nor has Petitioner been able to explain why this Court should assume that the shackles were placed on Petitioner to influence his willingness to make a statement, rather than their most obvious purpose—to prepare Petitioner for transfer before Reece and Ryant tried one more time to persuade Petitioner to come clean.

Finally, there is no reason to believe that the amount of time devoted to this interrogation was excessive under state and federal precedents. *See Berghuis v. Thompkins*, 560 U.S. 370, 386–87, 130 S. Ct. 2250, 2263, 176 L. Ed. 2d 1098 (2010) ("It is true that apparently he was in a straight-backed chair for three hours, but there is no authority for the proposition that an interrogation of this length is inherently coercive. Indeed, even where interrogations of greater duration were held to be improper, they were accompanied, as this one was not, by other facts indicating coercion, such as an incapacitated and sedated suspect, sleep and food deprivation, and threats."); *State v. Myers*, 359 S.C. 40, 47, 596 S.E.2d 488, 492 (2004) (finding trial court did not err in admitting statements when, among other factors, "[n]ot one of the interrogations lasted more than a few hours"); *Von Dohlen*, 322 S.C. at 245, 471 S.E.2d at 696 (upholding questioning "from approximately 7:00 to 10:00 p.m." when defendant was given breaks).

Finally, even if the statement was not voluntary, any error in its admission was without a doubt harmless. "[T]he erroneous admission of an involuntary statement is still subject to a harmless error analysis." *Collins*, 442 S.C. at 460, 900 S.E.2d at 434. Harmless error is determined following a case-specific analysis of whether the alleged error meaningfully contributed to the conviction of the defendant. *See id.* at 460, 900 S.E.2d at 434–35 (collecting cases). Here, given the manner of the victims' deaths, there is no doubt that they were murdered. The State introduced evidence, including forensic evidence, conclusively tying Petitioner to the murder weapon, and showing that his DNA was present under the fingernails of one of the victims. There is no reason to believe that the removal of Petitioner's statement from the record would have resulted in a different verdict.

CONCLUSION

The Court of Appeals properly found that Petitioner's conviction should be affirmed. Petitioner has not shown error in that determination. The petition should be denied.

Respectfully Submitted,

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