STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CURTIS ALAN SMITH,

APPELLANT

APPELLATE CASE NO. 2025-000711

ANDERS BRIEF OF APPELLANT

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[1] R. 918, lines 3-5.

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STATEMENT OF ISSUE ON APPEAL

The trial judge erred in allowing a question into evidence about whether appellant's wife stated that he (appellant) told her that he "stabbed the deceased with a knife" because this was a misstated inquiry regarding a disputed communication, which in turn constituted an invasion of the province of the jury as the same answered the ultimate question of fact in the case and resulted in great prejudice to the defense since appellant denied stabbing the deceased to death.[2]

[2] R. 918, lines 3-5.

STATEMENT OF THE CASE

Appellant Curtis Alan Smith was convicted of murder, possession of a weapon during the commission of a violent crime, and the destruction, desecration or removal of human remains during the March, 2025 and April 2025 terms of the Charleston County General Sessions Court before Judge Roger M. Young, Senior. Appellant was sentenced to imprisonment for a period of life without parole. Assistant Solicitors Kelsey Davis, Jennifer Shealy, and Lemuel Zeigler prosecuted the case, and Attorneys Mary Alison Ford and Katherine Mangan represented appellant at trial.

Appellant appealed. This brief follows.

STANDARD OF REVIEW

The admissibility of evidence is within the sound discretion of the trial judge. State v. Mansfield, 343 S.C. 66, 538 S.E.2d 257 (App. 2000); State v. Patterson, 337 S.C. 215,522 S.E.2d 845 (Ct. App. 1999). Evidentiary rulings of the trial will not be reversed on appeal absent of discretion of the commission of legal error which results in prejudice to the defendant. State v. Mansfield, 343 S.C. at 77, 538 S.E.2d 263.

ARGUMENT

The trial judge erred in allowing a question into evidence about whether appellant's wife stated that he (appellant) told her that he "stabbed the deceased with a knife" because this was a misstated inquiry regarding a disputed communication, which in turn constituted an invasion of the province of the jury as the same answered the ultimate question of fact in the case and resulted in great prejudice to the defense since appellant denied stabbing the deceased to death.[3]

The indictment in the case charged appellant with murder and alleged that he "with malice a forethought did kill and murder [the deceased] by means of multiple stab wounds." R. 1018-1019. This event occurred between appellant and the deceased only sans any other eyewitnesses being present.

Appellant's wife testified at trial and stated that appellant told her that "he (appellant) killed [the deceased]," (not that he stabbed the deceased), because the deceased hit him and wielded a knife during an altercation between them, and that he had to defend himself. R. 308, lines 17-21. Apparently, the deceased, who previously dated appellant, was angry because appellant had reconciled with his wife, and therefore threatened to kill him (appellant) and appellant's wife. R. 308, l.11-p. 310, l.6.

Appellant claimed self-defense and testified at trial stating that "he did not stab [the deceased]," and explained that he and the deceased fought over possession of a knife. R. 918, l.3-5. Pertinent portions of appellant's testimony in support of his self-defense claim follow:

> Q: Okay. Well, let's slow down a little. Which happened first, the trophy or the knife?
>
> A: The trophy.

---

[3] R. 918, lines 3-5.

Q: Okay. And so, after she hit you with the trophy, what did you do?

A: Couldn't do nothing. I reached—reached for my phone to call her mother, and that's when the knife came.

Q: Okay. And where did she—did she get you with the knife?

A: On my pinky, just…

Q: Okay. So after that happened, I think, did you say you got the paper towel?

A: Right.

Q: So what did you do then?

A: I put off in the–as I was going back and up in the room, she had the knife coming at her—coming in—towards me, keeps saying she was going to kill me. And I said, "Jennifer, put the knife down," She just keeps talking and I grabbed her pillow. Tried to—you know, to get the knife—you know, out of her hand.

Q: I'm sorry. Did you say—did you say "pillow"?

A: Yeah—yeah. A pillow. And she just kept check –poking and poking, and we ended up on the side of the bed and I grabbed her hand, never had the knife. I grabbed her hand, and she bit me.

Q: Okay.

A: She bit me on my finger, loose her and she swung and didn't see the coat because I threw the coat away. Was a black coat I had on with my jersey. She swung and I jumped in the corner and couldn't get out the door and she just kept saying she was going to kill me, "I'm going to kill you."

Q: So what was going—

A: Tussled with the knife.

Q: Okay. You were tussling?

A: We were tussling back and forth with pulling the knife. Now, I was trying to get the knife out of her hand. I didn't stab her. Nothing like we—back and forth with the knife.

Q: And how long did that go on?

A: At least about four or five minutes.

Q: Were you able—ever able to get full possession of the knife?

A: Until we fell.

Q: Okay. Now, while the two of you were struggling with the knife, what was going through your head?

A: She was going to kill me. She saying she could kill me. "I'm going to kill you."

Q: Did you try to get away?

A: I—couldn't get—I—I—I tried to get the knife out of hand, I couldn't go nowhere. She had me in a corner between the bed and—and the dresser.

Q: Now, you told us—you started to say the two of you fell. Can you tell us about that?

A: We tussled with the knife, and I hit my—I hit my leg on the footboard of the bed. And between the bed, she fell, hit her head on the bed of the dresser, and I fell on the side, on the—by the bed. When I got—we got—I got up and looked. She wasn't moving. That's when I got scared, try to wake her up and she wouldn't wake up. I didn't kill her. We were tussling with a knife. I got scared. I'd never been in a situation like that.

R. 878, l.2-p. 880, l.12.

Q: And you mentioned—I think it was a little hard to hear, did he say you were wearing a jacket?

A: A black jacket.

Q: And did anything happen to that jacket?

A: It got cut, ripped on the—on the corner. On the—and the front when she swing—swings at me.

Q: And were your hands injured during any of this time?

> A: Yes. She—she struck me a couple of times, she—she struck me a couple of times, and I told her, "Jennifer, put the knife down." And like, I killed her—I didn't kill her. She—we were poke—she's poking at me with the knife. We were going back and forth with the knife. I—I just got scared, and she—she wasn't moving on the floor, and I panicked.
>
> Q: Did you want Jennifer to die?
>
> A: No—no, ma'am.
>
> Q: So Curtis, after you realized Jennifer was dead, did you call the police?
>
> A: Nope. I—I—I was scared. I didn't call. I got scared. I was really—I was scared.
>
> R. 886, l.16-p. 881, l.11.

In the case at bar, the error occurred during the solicitor's examination of a police officer who was questioned as follows:

> Solicitor: [Appellant's wife] testified at trial that [appellant] told her he stabbed [the deceased] with a knife. Is that right?
>
> Defense Counsel: Objection. That's actually not what she testified to.

R. 822, lines 10-14.

The matter was addressed outside of the presence of the jury whereinafter a check of the record supported defense counsel's objection required the misstated question. It was determined that appellant's wife did not testify that appellant told her that he stabbed the deceased. Additionally, the solicitor conceded that the question was misstated. R. 823, l.3-p. 826, l.10.

The following curative instruction was given to the jury thereafter:

> THE COURT: All right. You may be seated. All right. Folks, we had an objection over the last question the Solicitor asked, and she's withdrawn her question. So I want to instruct you that you are not to regard what she said in her question as evidence or question implied that an earlier witness had said a particular thing.

> She asked that—she's withdrawn that question. And so, you are not to take away anything or you—you're not to regard her question as having raised a—a factual inference that what the earlier witness said, you're to disregard her question entirely, in other words.

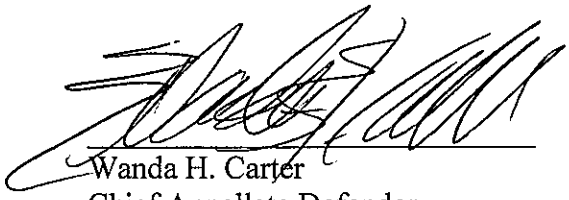
R. 826, lines 13-23.

The ultimate question of fact presented to the jury was whether appellant stabbed the deceased to death.[4] Nothing or no one can invade the province of the jury. Briggs v. State, 421 S.C. 316, 806 S.E.2d 713(2017). Statements regarding guilt are inappropriate as they will in most cases invade the province of the jury. Reece v. State, 441 S.C. 392, 894 S.E.2d 295 (2023). Improper communications regarding an opinion, or messaging about a witness' testimony or credibility, or any impermissible belief attached to a jury instruction are examples of instances that would impermissibly invade the province of the jury. Tappeiner v. State, 416 56 239 785 S.E.2d 471 (2016); State v. Kerley, 397 S.C. 461, 725 S.E.2d 139 (2012); State v. Shorter, 85 S.C. 170, 67 S.E 131 (1910). Therefore, the error in the case at bar, which was a misstated question that addressed the ultimate fact question in the case, i.e. whether appellant stabbed the deceased to death, constituted error because the matter was addressed prior to jury deliberations, and particularly where appellant emphatically stated that he did not stab the deceased to death. This invaded the province of the jury and constituted reversible error in the case.

[4] The indictment read as follows: that in Charleston County, South Carolina on or about between the dates of November 19, 2020 and December 1, 2020, the defendant, Curtis Alan Smith with malice aforethought did kill and murder Jennifer Monique Grant by means of multiple stab wounds, and Jennifer Monique Grant did die in Charleston County as a proximate result thereof on or about between the dates of November 19, 2020 and December 1, 2020.

CONCLUSION

Based on the foregoing argument, appellant's convictions and sentences should be reversed and his case remanded to the lower court for a new trial.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 8th day of April, 2026.

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Honorable Roger M. Young, Circuit Court Judge

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APPELLATE CASE NO. 2025-000711

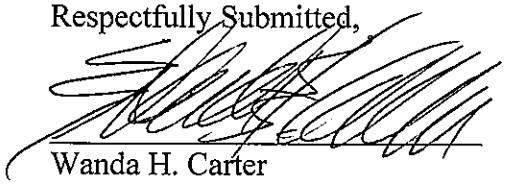
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Curtis Smith states that:

1. She is Chief Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge Roger M. Young, which was held on March 31 - April 4, 2025, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Curtis Smith.

Respectfully Submitted,



Wanda H. Carter
Chief Appellate Defender

This 8th day of April, 2026.

ATTORNEY FOR APPELLANT

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CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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This 8th day of April, 2026.