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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

QUINDARIS K. WASHINGTON,

APPELLANT

APPELLATE CASE NO. 2025-001167

ANDERS BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in failing to direct a verdict on the failure to stop for a blue light charge because appellant did stop the car, put it in park, and then fled on foot?

STATEMENT OF THE CASE

Appellant was indicted in Greenwood County for armed robbery, carjacking, kidnapping, a weapons charge, unlawful carrying of a pistol, driving without a license, and failure to stop for a blue light. R. 6-7. On June 2, 2025, appellant was tried before the Honorable G. D. Morgan, Jr. and a jury. R. 1. Yates Brown and Andrew Hodges represented the State. R. 2. Ryan Holloway represented appellant. R. 2. Judge Morgan severed the unlawful carrying of a pistol charge. R. 58. The State sought and was granted a charge on the lesser included offense of attempted kidnapping. R. 350-51. The jury acquitted appellant of armed robbery, kidnapping, attempted kidnapping, and the weapons charge. R. 412-13. The jury convicted appellant of carjacking, failure to stop for a blue light, and driving without a license. R. 412-13. Judge Morgan sentenced appellant to concurrent terms of imprisonment as follows: twelve years for carjacking, three years for failure to stop for a blue light, and thirty days for driving without a license. R. 429-30. This appeal follows.

STANDARD OF REVIEW

If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court's denial of the directed verdict motion. State v. Hepburn, 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013).

ARGUMENT

The trial court erred in failing to direct a verdict on the failure to stop for a blue light charge because appellant did stop the car, put it in park, and then fled on foot.

On the night of March 5, 2021, Quentin Gordon was at an apartment complex in Greenwood in his 2014 Chevy Malibu. R. 99-100. Gordon was waiting in his car when a man wearing a hoodie and a mask pointed a gun at him through the car window. R. 101. The man took his phone and told Gordon to come around to the trunk. R. 101-02. He then told Gordon to get into the trunk, but Gordon refused. R. 102-03. The man then drove off in Gordon's car with Gordon's cell phone. R. 103.

Gordon called his wife and eventually Gordon's stepmother called 911. R. 104. Gordon's wife used an app to track Gordon's phone for a short period and they relayed this information to the police. R. 104-05. The phone then quit registering its location. R. 104. When the police arrived, Gordon described his assailant as Black male between 5'10" and 6' tall, thin build, wearing a black hoodie, mask, and gray pants. R. 151. The police put a BOLO out for the car, but they did not locate it that evening. R. 152.

Two days later, on March 7, 2021, Officer Bailey Thompson got an email notification from a Flock camera concerning the 2014 Malibu. R. 176-77. Officer Thompson saw the 2014 Malibu turn near him. R. 178-79. On direct-examination, Officer Thompson said he turned around, "noted the increase in speed in attempt to evade, turned on my blue lights and then by the time I caught back up to the last time, it turned on Gum from Tarrant, put it in park and observed a male fleeing from the vehicle." R. 179.

Officer Thompson chased the fleeing man on foot and caught him. R. 180. He identified the person he arrested as appellant. R. 180. Gordon's phone was found in appellant's pocket.

R. 187. The police summoned Gordon to the scene of the arrest and gave Gordon back his phone and car on the spot instead of taking them into evidence. R. 189.

Officer Thompson's dash cam and body cam were admitted as State's Exhibit 11 and played for the jury. R. 182-87. State's Ex. 11. On the video, when the police car completes the turn to follow the Malibu, its lights are not yet activated. The Malibu cannot be seen and is over the crest of a hill. When the blue lights begin flashing, the Malibu cannot be seen. The police car with blue lights crests the hill and the Malibu can then be seen with brake lights activated. The Malibu makes a left turn. The police car follows and makes the turn and the Malibu is parked a short way down the street. Appellant is running from the Malibu, but the car is in park and stays put while the officer chases him. State's Ex. 11. Officer Thompson's bodycam shows him encounter appellant after a one-minute chase. State's Ex. 11. Appellant is laying prone on the ground and is quickly arrested at gunpoint. State's Ex. 11.

A jail call was admitted into evidence and admitted through Officer Thompson. R. 192. The call was transcribed by the court reporter. R. 193-95. On the call, appellant says that he turned on the same street as the police, that the policeman "faked like he was finna pull out like—like, pull out. Man, that n*** pulled out and turned around. Man, I knew what time it was, I knew what time it was in." R. 195.

On cross-examination, Officer Thompson admitted that when the blue lights turned on, he could not see the taillights on the Malibu. R. 198. The officer implied that appellant increased his speed when he turned after seeing a marked patrol car, but the blue lights were not on at that point. R. 199-200. Defense counsel asked, "So when you turned your blue lights on, he has not idea you turned your blue lights on, does he?" R. 201. Officer Thompson replied, "Not from his vantage point. I don't know if he could see me or not. Just because he is over a

hill doesn't mean the lights aren't reflecting." R. 201. Officer Thompson then admitted that from his own vantage point, he could not see the Malibu. R. 201.

The officer could not say that appellant was speeding. R. 202. He did not track him optically or clock his speed. R. 202. The officer confirmed appellant put the car in park. R. 202. Defense counsel asked, "So he didn't fail to stop the vehicle, right?" R. 202. The officer replied, "Technically." R. 202.

After the State rested, appellant moved for a directed verdict on the failure to stop for a blue light charge. R. 337. Defense counsel argued appellant "actually did stop." R. 337. He contented that the statute was vague and "at best ambiguous" in meaning whether failure to stop meant just the vehicle or fleeing on foot. R. 337. The solicitor argued that running away on foot was sufficient and the jail call was an admission that he failed to stop. R. 339-40.

Judge Morgan said it was "an interesting argument." R. 342-43. Looking at the text of the statute, the judge ruled that running could satisfy the portion that said "or in another manner." R. 342-43. The judge also concluded the jail call was arguably an admission. R. 343. The court denied the motion for directed verdict and appellant was convicted of this charge.

The trial judge erred in refusing to direct a verdict of acquittal. The failure to stop for a blue light statute is titled, "Failure to stop **motor vehicle** when signaled by law-enforcement vehicle." S.C. Code Ann. § 56-5-750 (emphasis added). The operative portion of the statute reads:

In the absence of mitigating circumstances, it is unlawful for a motor vehicle driver, while driving on a road, street, or highway of the State, to fail to stop when signaled by a law enforcement vehicle by means of a siren or flashing light. An attempt to increase the speed of a vehicle or in other manner avoid the pursuing law enforcement vehicle when signaled by a siren or flashing light is prima facie evidence of a violation of this section. Failure to see the flashing light or hear the siren does not excuse a failure to stop when the distance between the vehicles and

other road conditions are such that it would be reasonable for a driver to hear or see the signals from the law enforcement vehicle.

S.C. Code Ann. § 56-5-750(A). Under the plain language of this statute, appellant was entitled to a directed verdict.

The statute says nothing about fleeing on foot. The title of the statute is called failure to stop “motor vehicle.” The portion relied upon by the trial judge, “or in other manner avoid the pursuing law enforcement vehicle” relates to the prior portion of the sentence concerning attempting to increase the speed of the subject vehicle. Fleeing on foot has nothing to do with using the car to avoid law enforcement.

Furthermore, even viewing the facts in the light most favorable to the State, appellant actually stopped the car at the first opportunity after the blue lights were activated. Appellant drove away from the police. The jail call only admits that he wanted to get away from the police, not that he did not stop for a blue light. Many motorists will avoid police cars on the lookout for traffic violations. The video shows that appellant could not have seen the lights when they were first activated. As soon as the officer crests the hill, the Malibu’s brake lights are visible, appellant turns down a side road and immediately puts the car in park. Appellant stopped the car for the blue light.

As the trial court recognized, the case law on this issue is not dispositive. R. 341. In State v. Cox, 258 S.C. 114, 187 S.E.2d 525 (1972), an officer saw two cars parked on the interstate. The officer pulled in behind the cars and they both “raced away.” The officer chased the cars and “during the last half” activated his siren and lights. The officer stopped the cars, spoke to the drivers, but the cars again sped off. One of the cars slid off the road and came to rest. The occupants attempted to flee on foot and the officer caught one of them. The legal issue

in Cox pertained to accomplice liability, but the evidence showed guilt without the need to consider whether fleeing on foot after stopping was sufficient for conviction.

In State v. Seay, 263 S.C. 496, 211 S.E.2d 649 (1975), an officer in an unmarked car flashed his badge at a motorist who mouthed an obscenity and directed them to pull over. The driver immediately accelerated the car and the policeman gave chase, eventually activating his electric siren. The officer estimated he was twenty feet behind the car and it continued to accelerate to 85 or 90 miles per hour. The driver and the occupants testified they did not hear the siren except in the far distance and were unaware they had been signaled to stop. The trial court refused to direct a verdict and the Supreme Court affirmed.

Unlike the unmarked car in Seay, Officer Thompson's car was equipped with a video camera. The video shows that the Malibu was not visible when the lights were activated and soon after the lights were visible, immediately came to a stop. Under the Rule of Lenity, any ambiguity in penal statutes must be strictly construed against the State. Berry v. State, 381 S.C. 630, 675 S.E.2d 425 (2009). The statute concerns stopping a car for a police signal and is silent concerning fleeing on foot. At best, as trial counsel argued, "or in other manner avoid" is vague so the Rule of Lenity commands that it must be construed to mean using the car to avoid the police. The trial court erred in not directing a verdict and this Court should reverse.

CONCLUSION

For the foregoing reasons, this Court should reverse appellant's conviction for failure to stop for a blue light.

s/David Alexander
David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

This 8th day of April, 2026.

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Honorable G.D. Morgan, Jr., Circuit Court Judge

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APPELLATE CASE NO. 2025-001167

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Quindaris Washington states:

1. He is Deputy Chief Attorney For Capital Appeals for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.

2. He has reviewed the record of appellant's trial before Judge G. D. Morgan, Jr., which was held on , and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.

3. He 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, he asks the Court to relieve him as counsel for Quindaris Washington.

Respectfully Submitted,

s/David Alexander

David Alexander

Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

This 8th day of April, 2026.

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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) True-billed indictment(s):
- (2) Trial Transcript
- (3) State's Ex. 11 (to be transported)

I certify that this designation contains no matter which is irrelevant to this appeal.

s/David Alexander

David Alexander

Deputy Chief Attorney For Capital Appeals

South Carolina Commission on Indigent Defense

Division of Appellate Defense

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ATTORNEY FOR APPELLANT

This 8th day of April, 2026.

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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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Quindaris Washington, #397631, at Trenton Correctional Institution, 84 Greenhouse Road, Trenton, SC 29847, this 8th day of April, 2026.

s/David Alexander

David Alexander

Deputy Chief Attorney For Capital Appeals

South Carolina Commission on Indigent Defense

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