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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Sumter County

Honorable Kristi F. Curtis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEMETRIUS ALEXANDER BROWN,

PETITIONER.

APPELLATE CASE NO. 2025-002378

BRIEF OF PETITIONER

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ISSUE PRESENTED

In this self-defense case, did the Court of Appeals err in affirming the trial judge's refusal to allow evidence that contradicted the State's main witness's testimony that the decedent had a gun on the day of the shooting?

STATEMENT

Petitioner Demetrius Brown was indicted in Sumter County for murder and weapons charges and on February 14, 2022, he was tried before the Honorable Kristi F. Curtis and a jury. R. 1. Ernest A, Finney, Jr. represented the State. R. 1. Deborah J. Butcher and Robert J. Butcher represented Brown. R. 1. The jury convicted Brown of murder and on both weapons charges. R. 666 – 667. Judge Curtis sentenced Brown to the mandatory minimum sentence of thirty years' imprisonment for murder and concurrent sentences on the weapons charges. R. 673.

The Court of Appeals affirmed in an unpublished per curiam Opinion. App. 31. Judges McDonald, Hewitt, and Turner decided the case. App. 32. The court did not hear oral argument. On March 11, 2026, this Court granted certiorari.

STANDARD OF REVIEW

The evidentiary issue in this appeal is governed by the abuse of discretion standard. State v. Washington, 431 S.C. 394, 405–06, 848 S.E.2d 779, 785 (2020). "An abuse of discretion occurs when the trial court's ruling is based on an error of law." Id. (internal quotations and citations omitted).

ARGUMENT

In this self-defense case, the Court of Appeals erred in affirming the trial judge's refusal to allow evidence that contradicted the State's main witness's testimony that the decedent had a gun on the day of the shooting.

Introduction

Cross-examination is "the 'greatest legal engine ever invented for the discovery of truth.'" State v. Stokes, 381 S.C. 390, 401, 673 S.E.2d 434, 439 (2009) *quoting* California v. Green, 399 U.S. 149, 158 (1970). One of the tools of cross-examination for getting at the truth is Rule 613, which allows impeachment of a witness with extrinsic evidence—often with the testimony of another witness. Rule 613(b), SCRE. This case presents the interesting wrinkle of what happens when the witness brought in for impeachment lies. Defense counsel wanted to use a video to expose the witness's lie, but the trial court prevented him from doing so.

Ultimately, the analysis is straightforward. Nothing in Rule 613(b) bars its use in impeaching any prevaricating witness, even when done in succession. The key limitation is whether the impeachment concerns a collateral matter. Here, the evidence was whether the decedent brought a gun to the scene, which was crucial to the defense's self-defense case. The impeachment was not collateral and its exclusion was devastating.

Factual Background

Petitioner Demetrius Brown shot the decedent, Lonnie Pack in self-defense. R. 505 – 508. Brown was at work at a garage when Pack and two other men pulled up in a Chrysler 300 sedan. R. 505. Brown was in his SUV. R. 505. Brown's SUV was blocked in. R. 508. Pack came up to the door of his SUV. R. 505. The two other men went to the back of Brown's SUV. R. 547.

Brown asked Pack what was going on and Pack told him to "hold up a second." R. 505. Pack pulled out his cell phone and made a call on speakerphone. R. 505. When the person on the other end answered, Pack said, "I got that nigga D. right here, what you want me to do with him?" R. 505. The other person said, "why the F you calling me. Do what I tell you to do." R. 505.

The man Brown heard on the other end of the phone was Seneca Moore. R. 559. Brown and Seneca had a disagreement over a car that Brown sold him. R. 528 – 530. Text messages between Brown and Seneca from the day before the shooting were admitted as Defendant's Exhibit 45. Brown texted Seneca a greeting and Seneca replied for Brown to call him "911." R. 683. After the call, Brown sent a text to Seneca telling him not to call him with "that bullshit" and denying that he did any wrong in their business transaction. R. 683. Seneca replied, "You broke Mother fucker you call me when you were in jam dude, I'm nobody bitch nigga I'm see you Tonight get ready." R. 684. Brown replied that he had always been straight in business with him, asked him "where all the aggression coming from" and that he needed to check who was feeding him the "bullshit because we never had any bad blood." R. 684.

When Pack hung up with Seneca, Pack told Brown to get out of his car. R. 506. Brown refused. R. 506. Pack tried to pull the car door open and Brown tried to hold it closed. R. 506. Pack then pulled a gun. R. 565. Brown grabbed for the gun and they "tussled" over it. R. 565. R. 506. The gun went off during the tussle. R. 506.

Pack started backpedaling towards the Chrysler 300. R. 566. R. 506. Brown had control of the gun. R. 506. Brown told Pack not to move because Brown was afraid that Pack was going for another gun in his car. R. 506. R. 539. Pack did not comply, so Brown shot him. R. 506. R. 539. Pack died from two gunshot wounds. R. 262 – 263.

The other two men with Pack were gone and Brown was afraid they had guns. R. 507. Brown dropped Pack's gun and left the scene in his SUV. R. 540. Brown texted Seneca right after the shooting, "So u put hit on a real bro huh." R. 685. Seneca replied, "Don't text me dude I'm out here daily keep my name out your mouth." R. 686. Brown wrote, "Naw don't try to back out now Lonnie just rolled on me n called u n asked what to do with me n I heard your voice stafallah." R. 686. Seneca wrote back: "I'm prepared for whatever dude stay there nigga. I'm not sucker. Otw." R. 686.

The police retrieved Pack's cell phone and the contents of his instant messages were entered as Defendant's Exhibit 40.[1] An incoming message said, "Got major lil job buddy for you fake Ass Muslim dude." R. 723. Brown is a practicing Muslim and Seneca and Pack knew this. R. 504. Pack wrote back, "Where and when." R. 723. Seneca wrote that it was about Brown selling a car that was stolen. R. 724. Pack wrote, "Ill get him now." R. 724.

No gun was found at the scene or during the investigation. R. 431. The police did find a red iPhone belonging to Anfernee Bradley, who was in the car with Pack. R. 79. Also in the car was a man named "D.V." who the police did not identify. R. 446. The police found 37.2 grams of marijuana, a scale, and baggies in the car. R. 480. R. 228 - 232. The police did not enter any evidence from Bradley's phone and did not allow the defense to examine the phone. R. 425 – 426. Instead, they gave Bradley back his phone per the elected Solicitor. R. 611 – 612. R. 447. Petitioner asked for and received a spoliation charge from Judge Curtis because of the State's actions regarding Bradley's phone. R. 659 – 660.

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[1] The court reporter's index shows Defendant's Ex. 40 marked, but not entered, but this is a mistake. R. 9. Appellant marked Exhibit 39 for identification on page 422. R. 335. Petitioner moved Exhibit 40 into evidence along with several other exhibits and the solicitor objected to Exhibit 40. R. 353 – 354. Judge Curtis admitted Defendant's Exhibit 40. R. 354.

The Attempted Impeachment of Bradley

Bradley testified for the State and said Pack did not have a gun on the day of the shooting. R. 96. Bradley said the three men got out of the car and he saw Pack talking on the phone. R. 84. After Pack hung up the phone, Bradley heard Pack and Brown talking which escalated to yelling. R. 86. Brown was sitting in his truck and the door was pushed. R. 86 – 88. Bradley saw Brown with a gun, heard gunshots, and ran. R. 88.

The State made the question of who brought the gun part of its case-in-chief. Bradley claimed Brown got the gun from his SUV. R. 89. On direct examination, the solicitor asked Bradley:

> Q. Do you know where Mr. Brown got the—do you know where he got the gun from, and, and---what I'm asking is, if you saw me go over here to the computer—
>
> A. Uh-huh. (Affirmative).
>
> Q. –pick up a gun, you would know where I got the gun from.
>
> A. Yes, sir.
>
> Q. Did you see Mr. Brown pick up the gun?
>
> A. Yes, sir.
>
> Q. Where would—where did he get the gun from?
>
> A. The truck.

R. 89. The solicitor later asked Bradley, "At anytime that day did you see Lonnie Pack with a gun? R. 96. Bradley answered, "No, sir." R. 96. The solicitor confirmed again using a prior statement to law enforcement, "That's when D. pulled the gun?" and Bradley answered, "Yes, sir." R. 100.

Bradley was impeached with a video statement in which he said he did not see the gun "until it was up in the air being fumbled." R. 129 – 130.

During cross-examination, defense counsel asked Bradley if he ever told a man named Bennie Haynesworth that Pack brought the gun. R. 123. Bradley replied, "I don't even know who that is." R. 123. Defense counsel asked Bradley another question about Bennie Haynesworth and Bradley repeated, "I don't even know who that is." R. 123.

The State did not object when the defense called Bennie Haynesworth ("Haynesworth") as a witness. R. 487-88. R. 490. Haynesworth said he knew Bradley as "A.J." and had seen him a couple of times after the shooting. R. 488. Defense counsel asked Haynesworth about his recall of something Bradley told him about Pack and the solicitor objected on hearsay grounds. R. 488 – 489. Defense counsel replied that the questioning was allowed by Rule 613(b), extrinsic evidence of a prior statement by a witness. R. 489. Judge Curtis excused the jury and heard a proffer. R. 489.

Defense counsel asked Haynesworth if Bradley told him that Pack had a gun when he got out of the car at the garage. R. 490. Haynesworth replied, "He did told me that they ran. No. No, ma'am." R. 490. Defense counsel then asked, "Okay. You don't recall him saying that he said that to you?" R. 490. Haynesworth answered, "No, ma'am, actually don't." R. 490. Haynesworth added he had suffered "several head injuries since then." R. 490. He again said he did not recall telling the police that Bradley saw Pack with a gun that day. R. 491. He denied remembering the policeman even though the policeman was in the courtroom. R. 491 – 492.

Defense counsel then played video clips from Defendant's Exhibit 52 "to refresh his memory." R. 492 – 494. When the clips were being played, Haynesworth asked to "state something for the record." R. 493. He alluded to "an incident" regarding "a portion of my folk"

and said he "really felt something against, against the family at the—at that particular time given that statement also." R. 493. He then immediately denied remembering giving the statement. R. 493.

The video clips played to Haynesworth were Haynesworth being interviewed by two police officers. Def. Ex. 52. On Clip #1 of Exhibit 52, at approximately the 2:27 mark, one of the officers asks Haynesworth, "Did anybody ever say anything about [Pack] having any weapons?" Def. Ex. 52. Haynesworth replied, "They say Lonnie had a gun when he got out the car." Def. Ex. 52. The officer asks, "Who said that?" Def. Ex. 52. Haynesworth said, "A.J." Def. Ex. 52. The other officer clarified, "He told you that or that's what you heard he was saying?" Def. Ex. 52. Haynesworth said, "That's what he told me. He said [Pack] had the gun when he got out the car." Def. Ex. 52.

Judge Curtis said she thought the statement was hearsay and was not a prior inconsistent statement. R. 494 – 495. Defense counsel argued that the questioning and extrinsic evidence were allowed under Rule 613 and was inconsistent with Bradley's testimony. R. 495. The court said she would agree if it were Bradley's statement, but that it was Haynesworth's statement. R. 495. Appellant continued to argue that it was the extrinsic evidence contemplated by Rule 613 and cited State v. Blalock, 357 S.C. 74, 591 S.E.2d 632 (Ct. App. 2003). The court then said she only heard that Pack sometimes carried a gun but not that Pack had a gun that day. R. 496. Defense counsel offered to replay "those exact parts." R. 496.

The solicitor opposed admission of the statement as "clearly hearsay." R. 497. After hearing from the solicitor, the court said she had reviewed Blalock and was not allowing the evidence. R. 497 – 498. Petitioner's motion for a new trial on this issue was denied in a written order. R.752. R. 767.

The Court of Appeals' Ruling

The Court of Appeals held Haynesworth's proffered testimony was hearsay and not admissible under Rule 613. App. 32. The court ruled that because the statement on the video was Haynesworth's, Rule 613 did not apply. App. 32. The court wrote, "Further, the video-recorded inconsistent statement was a statement made by Haynesworth; thus, the statement could not be admissible under Rule 613(b) as extrinsic evidence of a prior inconsistent statement of Bradley." App. 32. The court of appeals cited with parentheticals: Rule 801(c), SCRE; Rule 802, SCRE; Rule 613(b), SCRE; Rule 801(d)(1)(A), SCRE; and Rule 803(5), SCRE. As petitioner will show below, each of these rules supports admission of the impeachment evidence.

The Impeachment was Proper under Rule 613

The court erred in not allowing this important impeachment evidence. Rule 613 allowed impeachment of Bradley with Haynesworth and then impeachment of Haynesworth when Haynesworth lied about his recorded statement to the police. Rule 613(b), SCRE, states:

> **(b) Extrinsic Evidence of Prior Inconsistent Statement of Witness.** Extrinsic evidence of a prior inconsistent statement by a witness is not admissible unless the witness is advised of the substance of the statement, the time and place it was allegedly made, and the person to whom it was made, and is given the opportunity to explain or deny the statement. If a witness does not admit that he has made the prior inconsistent statement, extrinsic evidence of such statement is admissible.

Rule 613(b), SCRE. Two levels of Rule 613(b) evidence exist, and both are admissible.

The first level is Bradley's denial of his statement to Haynesworth. Appellant asked Bradley if he ever told Haynesworth that Pack had a gun that day. R. 123. Bradley twice denied even knowing who Haynesworth was. R. 123. Bradley's denial made extrinsic evidence of his statement admissible under the rule.

The extrinsic evidence to impeach Bradley was Haynesworth's testimony. Had Haynesworth testified, "Yes, Bradley told me Pack had a gun that day," the trial judge likely would have had no trouble admitting it as a straightforward application of Rule 613(b). The problem was that Haynesworth either denied making the statement or said he couldn't remember it, even after the video was used to refresh his recollection.

Haynesworth's denial or inability to remember led to the second level of the Rule 613 issue—extrinsic evidence of Haynesworth's statement to the police to impeach Haynesworth's new (and false) claim that he never told the police what Bradley said about Pack having a gun. Defense counsel properly gave Haynesworth the chance to explain the statement, played it for him to refresh his recollection, and still Haynesworth persisted in claiming he did not remember or alluded to making it up. R. 493. At this point, the video became admissible as extrinsic evidence under Rule 613. Alternatively, defense counsel should have been able to refresh Haynesworth's recollection and had him admit making the statement on the video in front of the jury.

"[A] witness's failure to fully recall her prior statement has been found to be a sufficient denial to allow extrinsic evidence." Blalock at 80, 591 S.E.2d at 636. "Extrinsic evidence is also usually admitted when the witness simply avoids any direct answer." Id. "When the issue is whether the witness admitted making the prior inconsistent statement, the admission must be unequivocal." State v. Carmack, 388 S.C. 190, 201-02, 694 S.E.2d 224, 229-30 (Ct. App. 2010). "The rule does not require extrinsic evidence of the prior statement be admitted immediately. It merely authorizes the use of extrinsic evidence to prove the inconsistency. Because the impeaching evidence is "extrinsic," the avenue of its admissibility may not always run through

the witness to be impeached by it, for that witness may not be competent to authenticate the extrinsic evidence." State v. Barnes, 421 S.C. 47, 58, 804 S.E.2d 301, 307 (Ct. App. 2017).

In Barnes, the State wanted to impeach the defendant's mother with a prior inconsistent statement. The defendant's mother "flatly denied she had stated Barnes was the one in the surveillance video wearing the grey sweatshirt" during a recorded phone conversation with McCoy, a policeman. Barnes at 57, 804 S.E.2d at 306-07. The State called McCoy and played his recorded interview with Barnes' mother in which she identified Barnes wearing a grey sweatshirt. Id.

The only difference between Barnes and appellant's case is that McCoy did not deny hearing Barnes' mother's recorded identification. If McCoy had lost his memory or lied about the interview, the interview would not then become inadmissible hearsay. The State would have been able to either refresh McCoy's recollection or impeach McCoy (and Barnes' mother) with the interview under Rule 613 or Rule 803(5). But under the Court of Appeals' reasoning, in Barnes, the solicitor would be unable to impeach McCoy with a recording and expose the lie by Barnes' mother.

As Barnes shows, the State is most frequently the beneficiary of Rule 613. The State often has to call jailhouse snitches or uncooperative co-defendants and witnesses. Solicitors frequently prepare juries for unreliable, prevaricating witnesses in their opening statements by saying they cannot present priests and nuns as witnesses because the defendant does not associate with priests and nuns. The police take video-recorded statements for the exact purpose of using them at trial if a witness doesn't testify truthfully. And that is exactly what happened in this case—the police video-recorded Haynesworth's statement because it was valuable evidence.

Another good example of the State's use of Rule 613 is State v. Stokes, 381 S.C. 390, 673 S.E.2d 434 (2009). In Stokes, the State called the defendant's uncle because he gave a statement to the police incriminating the defendant. When the uncle (named Brown) got on the stand, he denied making the statement. Stokes at 394-95, 673 S.E.2d at 436. The State called the policeman who took the uncle's statement and offered it as extrinsic evidence under Rule 613. Id.

The legal challenge on appeal in Stokes was whether the Confrontation Clause barred admission of the statement and the Court found it did not. Id. at 398-403, 673 S.E.2d at 438-40. After dispensing with the Confrontation Clause challenge, the Court found the trial judge committed no error in admitting the written as extrinsic evidence under Rule 613. Id. at 403-04, 673 S.E.2d at 440-41. "Clearly, the State laid the proper foundation for the admission of the extrinsic evidence of the written statement." Id. "The State advised Brown of the substance of the statement by showing him the three-page statement while on the stand; Brown was also advised of the time and place the statement was allegedly made, and the person to whom it was made." Id. "Brown was given the opportunity to explain or deny the statement, and he chose to deny making the statement." Id. "Thus, the statement was admissible under Rule 613(b)." In Stokes, had the police officer denied the uncle ever made such a statement, the State could have used Rule 613 to impeach the officer. Officers never do this which is likely why we do not have a published opinion covering this situation. See State v. Bixby, 388 S.C. 528, 550-51, 698 S.E.2d 572, 584 (2010) (holding extrinsic evidence properly admitted under Rule 613(b) through police officer when witness denied knowing who the officer was).

State v. Fossick, 333 S.C. 66, 508 S.E.2d 32 (1998) also shows a textbook example of a defendant using a prior inconsistent statement for impeachment. In Fossick, a witness for the

State was given the opportunity to admit or deny that he made a statement that he killed the victim. The witness denied it. The defense called a witness, Keeffe, and proffered his testimony that he heard the State's witness say he killed the victim. The Supreme Court overturned the trial judge's ruling barring the admission of Keeffe's testimony, quoting Rule 613 and finding it admissible. Fossick at 69-70, 508 S.E.2d at 33.

Rule 613 contains no limitation as found by the Court of Appeals. It allows impeachment of "a witness" with a prior inconsistent statement if the conditions were met. Just like Bradley, Haynesworth was "a witness" under the rule. Under the Court of Appeals' ruling, as long as several witnesses in a chain are able to lie and deny making a statement, these falsehoods can remain uncontested by a party in front of the jury.

Haynesworth was properly on the stand under Rule 613(b) to impeach Bradley. When Haynesworth lied during the proffer about what Bradley said, it became necessary for defense counsel to use Rule 613 again *to impeach Haynesworth.* Haynesworth made a prior inconsistent statement to the police on video. No reliability concerns exist. Haynesworth denied remembering the officer to whom he gave the statement. At this point, defense counsel properly used Rule 613 to use the video to impeach Haynesworth, but was prevented from doing so by the State's hearsay argument and the trial court's ruling. While the additional "level" of Rule 613 adds a slight wrinkle to the case, each impeachment under Rule 613 must stand on its own unless it involves a collateral matter. Petitioner's impeachment of Haynesworth was a valid use of Rule 613 and was not limited by the collateral matter rule or any other hearsay rule.

The Collateral Impeachment Rule, Which Cannot Apply Here, Prevents Abuse of Rule 613

The limitation on Rule 613 that is not in its text is the collateral impeachment rule. See State v. Williams, 406 S.C. 455, 467-68, 761 S.E.2d 770, 777-78 (Ct. App. 2014). "When a

witness denies an act involving a matter collateral to the case in chief, the inquiring party is not permitted to introduce contradictory evidence to impeach the witness." Id. (internal quotations omitted). A matter is not collateral if the cross-examining party would be entitled to prove the fact as part of his case. Id.

The matter involved cannot be collateral under this definition. Whether Pack had a gun was key to several parts of petitioner's self-defense case. The fact bore on whether petitioner brought on the difficulty, had the right to act on appearances, and acted reasonably. See State v. Fuller, 297 S.C. 440, 443-44, 377 S.E.2d 328, 331 (1989) (discussing self-defense principles). Trial judges have the ability with the collateral impeachment rule to prevent trial lawyers from chasing down meaningless inconsistencies in witnesses' testimony. But the self-defense issue here was crucial, not collateral, and impeaching Haynesworth under Rule 613 was proper. Bradley's credibility was also crucial, especially on this key point of evidence. Once Haynesworth lied, his credibility also became crucial.

The Hearsay Rules Do Not Bar Admission of Rule 613 Impeachment Evidence

The hearsay rules cited by the Court of Appeals in its Opinion support petitioner's argument. The Opinion cites Rule 801(d)(1)(A), SCRE with a parenthetical quotation. App. 32. Rule 801(d)(1)(A) expressly makes Haynesworth's prior recorded statement **not hearsay**. This portion of the rule is called, "Statements Which Are Not Hearsay." Rule 801(d), SCRE. "A statement is not hearsay if—(1) *Prior Statement by Witness*. The declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is (A) inconsistent with the declarant's testimony." Rule 801(d)(1)(A), SCRE.

The video of Haynesworth telling the police that Bradley told him Pack had a gun is not hearsay because of this rule. The declarant is Bradley. Bradley testified at the trial and was

subject to cross-examination. The statement is inconsistent with Bradley's testimony. Bradley said Pack did not have a gun and that he did not know Haynesworth.

The Rule also works the same if Haynesworth is the declarant. Haynesworth testified at trial and was subject to cross-examination. Haynesworth denied that Bradley told him he had a gun and Haynesworth also said he had memory problems. The video statement directly contradicted Haynesworth's claims. Rule 801 makes this statement not hearsay and it was critical, admissible impeachment evidence.

A domestic violence case from Georgia, Caldwell v. State, 515 S.E.2d 868, 869 (Ga. Ct. App. 1999), shows how Rule 801 works. In Caldwell, the defendant's wife told investigators that the defendant assaulted her. When she testified, she denied these statements or said she could not remember. The police witnesses then testified for the State regarding the wife's statements. The Georgia court found the evidence from the police witnesses admissible as substantive evidence. Caldwell, 515 S.E.2d at 869.

The Court of Appeals also cited Rule 803(5), SCRE, which supports petitioner's position. Haynesworth initially denied that Bradley said Pack had a gun, but then claimed trouble with his memory. R. 490. Rule 803(5) allows a party to use a "record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly." Rule 803(5), SCRE. The video statement is the record. It was made when Haynesworth's memory was fresh. It is a video and reflects the knowledge correctly. Rule 803(5) also allows the record to be admitted if offered by an adverse party.

Defense counsel attempted to use this rule in its proper fashion, but Haynesworth again claimed trouble with threats to his family and memory problems. Nothing in Rule 803(5) bars admission of impeachment evidence under Rule 613 or Rule 801. It was unnecessary for petitioner to resort to hearsay exceptions when Rule 801 specifically makes the impeachment evidence not hearsay.

The hearsay rules and definitions specifically carve out the impeachment exception in Rule 613. Almost all instances of impeachment under Rule 613 would be otherwise be hearsay and the impeachment rule would be useless. The trial judge and the Court of Appeals failed to understand how Rule 801 and Rule 613 work together to allow a cross-examiner to expose a witness's lies.

Had the jury been able to evaluate a fairly impeached Bradley (and Haynesworth), it would not have convicted Brown. The solicitor emphasized Bradley's testimony about whether Pack had a gun in his closing argument. R. 599-600. "They get to the shop. They get out of the car. He says Lonnie doesn't have a gun. He doesn't have a gun." R. 599-600. He argued Brown brought a gun to the shop on the day of the shooting when he argued that Brown brought on the difficulty. R. 613. Brown could not use the impeachment of Bradley to refute the solicitor's point. In this self-defense case, the error below was highly prejudicial and this Court should reverse.

CONCLUSION

For the foregoing reasons, petitioner's convictions should be reversed and this case remanded for a new trial.

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This 20th day of April, 2026.