

RECEIVED

IN THE SOUTH CAROLINA COURT OF APPEALS

APR 23 2026

MOTION TO REJECT ANDERS BRIEF
AND REQUEST FOR FULL MERITS REVIEW

SC Court of Appeals

Appellant respectfully objects to the Anders brief filed by appointed counsel, David Alexander. The Anders brief is inadequate and fails to identify multiple preserved, non-frivolous issues including: 1) Denial of voluntary manslaughter charge; 2) Prosecutorial Misconduct in closing argument; 3) Misstatement of law regarding malice; 4) Refusal to cure improper argument; 5) Cumulative prejudice.

Under Anders v. California and Johnson v. State, appointed counsel must identify any arguable issues.

These issues are substantial, preserved, and supported by strong precedent.

Appellant respectfully request; **Appointment of new Appellate Counsel, or Order Appellate Counsel David Alexander to brief the above issues, or in the alternative, Acceptance of Appellant's pro se supplemental brief and full merits review by the court.**

Respectfully Submitted,

181 Akevius Lindsey

Akevius Lindsey #396525

Appellant, Pro-se

RECEIVED

APR 23 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
Honorable G.D. Morgan Jr., Circuit Court Judge

AKEVIUS LINDSEY,

APPELLANT

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

2025 ADL
APPELLATE CASE NO ~~2024~~-000317

APPELLANT'S OBJECTION TO ANDERS BRIEF
AND REQUEST FULL MERITS REVIEW

(Pursuant to Anders v. California and Johnson v. State

INTRODUCTION

Appellant, Akevius Lindsey, respectfully objects to the Anders Brief filed by appointed appellate counsel, David Alexander, and requests that this Court conduct a full merits review of the record pursuant to Anders v. California, 386 U.S. 738 (1967), and Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).

While Appellant does not allege bad faith, the Anders Brief fails to identify multiple preserved, non-frivolous issues apparent on the face of the record. Because arguable issues exist, this appeal cannot properly be deemed frivolous, and the Anders procedure has not been satisfied.

LEGAL STANDARD

Under Anders and South Carolina's Johnson procedures, appointed appellate counsel must:

1. Conduct a conscientious and thorough review of the entire record; and
2. Identify any issues that might arguably support the appeal, even if counsel believes the issue ultimately lacks merit.

Where such issues exist, an Anders brief is proper, and the appellate court must either order briefing on the merits, or appoint substitute counsel. See. Johnson v. State, 294 S.C. at 312; Tisdale v State, 343 S.C. 607, 541 S.E.2d 531 (2001).

PRESERVED, NON-FRIVOLOUS ISSUES OMITTED FROM THE ANDERS BRIEF

A review of the trial transcript reveals several preserved and substantial issues that were not raised by appellate counsel and that plainly meets the "arguable merit" threshold.

- Refusal to Charge Voluntary Manslaughter (Preserved)

Trial counsel expressly requested a voluntary manslaughter instruction during the charge conference and renewed the objection after the jury charge, preserving the issue for appeal.

South Carolina law is unequivocal:

"If there is any evidence whatsoever from which the jury could infer the lesser offense, the charge must be given!" State v. Burriss, 334 S.C. 256, 513 S.E.2d 104 (1999).

The record reflects: domestic relationship conflict, emotional escalation, and circumstantial evidence of a sudden confrontation.

The trial court's refusal forced the jury into an all-or-nothing verdict; a practice condemned by both South Carolina and federal courts. See. State v. Wharton, 381 S.C. 209, 672 S.E.2d 786 (2009); Beck v. Alabama, 447 U.S. 625 (1980).

This issue alone is clearly non-frivolous.

- Prosecutorial Misconduct in closing Argument (Preserved)

During closing argument, the solicitor: misstated the law of malice, appealed to emotion and sympathy, argued facts not in evidence, and suggested inferences unsupported by testimony.

After defense counsel objected, the trial court stated:

"I do believe it was improper." Yet, the court refused to give curative instruction.

Misstatement of an essential element of the offense, particularly malice aforethought, constitutes reversible error. See. State v. Butler, 353 S.C. 383, 577 S.E.2d 498 (2003); State v. Gill, 355 S.C. 234, 584 S.E.2d 432 (Ct. App. 2003).

This issue was preserved and presents arguable merit.

- Refusal to Issue Curative Instruction After Acknowledged Impropriety (preserved)

When a trial court acknowledges that an argument was improper, refusal to cure the error is itself reversible. See. State v. Beam, 336 S.C. 45, 518 S.E.2d 297 (1999); State v. Patterson, 367 S.C. 219, 625 S.E.2d 239 (2006).

This issue appears clearly in the record and was not frivolous.

• Cumulative Error and Sentencing Prejudice

Even if individual errors were deemed harmless, the combined effect of: denial of a lesser-included offense, improper argument on malice, and refusal to cure acknowledged misconduct deprived Appellant of a fair trial and resulted in an extreme sentence of fifty (50) years.

South Carolina recognizes cumulative errors as a basis for reversal. See. State v. Tucker, 462 S.E.2d 263 (1995).

ANDERS PROCEDURE NOT SATISFIED

Because the above issues are preserved, supported by settled precedent, and apparent on the face of the record, this appeal cannot be deemed wholly frivolous. Accordingly, the Anders brief filed by appellate counsel does satisfy the constitutional requirements of Anders and Johnson.

REQUEST FOR RELIEF

Appellant respectfully request that this court **reject the Anders brief as inadequate, Conduct a full merits review of the preserved issues, or, in the alternative Appoint substitute appellate counsel to brief the issues on the merits.**

Respectfully submitted,

/s/ Akevious Lindsey
Akevious Lindsey #396525
Appellant, Pro-se

Dated: _____

SWORN TO AND SUBSCRIBED before me:

this 13 day of April, 2026
Paul Dennis Crider
Notary Public For South Carolina

My Commission Expires: Jan. 24, 2035

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APR 23 2026

SC Court of Appeals

T

Akevius Lindsey,

APPELLANT,

-v-

State of South Carolina

RESPONDENT.

CERTIFICATE OF SERVICE

Appellant, Akevius Lindsey, hereby certifies that he has served a true copy of the foregoing Supplemental pro-se brief along with Objections to Anders Brief by placing a copy of the same in a prepaid first-class envelope and placing it in the U.S. Mail addressed to the names and addresses that appear below, on this 13 day of APRIL, 2026

By:

Akevius Lindsey

Akevius Lindsey

S.C. Court of Appeals
Clerk's Office
P.O. Box 11629
Columbia, S.C. 29211

Office of the Attorney General
Assistant Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Akevius Lindsey #396525
Tyger River Correctional Inst.
200 Prison Road
Enoree, S.C. 29335

South Carolina Court of Appeals
Clerk's Office
1220 Senate Street
Columbia, S.C. 29201

RECEIVED
APR 23 2026
SC Court of Appeals

RE: Akevius Lindsey v. State
Appellate Case No.: 2025-000317

Dear Clerk of Court,

Please accept for filing, the enclosed Pro-se Supplemental Brief of Appellant and Appellant's Objection to Anders Brief and Request for Full Merits Review, submitted pursuant to Anders v. California and Johnson v. State.

These filings identify preserved, non-frivolous issues apparent on the face of the record and respectfully request full merits review by the Court. Thank you for your consideration.

Respectfully Submitted,

/s/ Akevius Lindsey
Akevius Lindsey #396525
Appellant, Pro-se

Date: 4-13-26

Akevious Windsey #396525
Tiger River Correctional Institution
200 Prison Road
Enoree SC 29335



RECEIVED
APR 13 2026
TYGER RIVER MAILROOM

RECEIVED
APR 23 2026
SC Court of Appeals

South Carolina Court of Appeals
Clerk's Office
1220 Senate Street
Columbia, SC 29201