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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Pickens County
The Honorable Patrick Cleburne Fant, III, Circuit Court Judge

JOSEPH CAMPBELL WILLIAMS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

Appellate Case No. 2025-000730

RETURN TO PETITION FOR WRIT OF CERTIORARI

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PETITIONER’S STATEMENT OF THE ISSUE PRESENTED

Did the post-conviction relief (PCR) court err by finding trial counsel was not ineffective when counsel failed to proffer evidence of the complainant’s prior false accusations of sexual abuse against other men and argue the evidence was admissible pursuant to *State v. Boiter*, 302 S.C. 381, 396 S.E.2d 364 (1990), to attack the complainant’s credibility, where there is reasonable probability the trial court would have admitted this evidence if counsel had correctly proffered the evidence and argued for its admissibility, or in the alternative, the appellate court would have reversed the trial court if counsel had properly preserved the issue for appeal?

RESPONDENT’S COUNTER-STATEMENT OF THE ISSUE PRESENTED

Did the post-conviction relief court err in finding that trial counsel was not ineffective when it determined, as the Court of Appeals had earlier suggested, that evidence of the victim’s allegedly false reports of sexual assault would not survive a *Boiter* analysis, and when the PCR court found that no prejudice would have resulted in any event, because the jury had already heard of instances of allegedly false reporting by the victim?

STATEMENT OF CASE

When Joseph Campbell Williams, II, was on trial for sexually abusing his stepdaughter, his attorney was able to argue to the jury that his victim was “a veteran at this,” who had “accused people all of her life of sexually abusing her.” (App. 382, l. 23–383, l. 5). The State made no objection, in part because it couldn’t; evidence that the victim had repeatedly accused men of sexual abuse—and that she had denied that her stepfather had been among the abusers—was presented at the trial. Having heard about these instances, the jury nonetheless convicted Williams of first degree criminal sexual conduct with a minor, and second degree criminal sexual conduct with a minor. (App. 534, l. 15–535, l. 4).

Since the verdict, Williams has argued before the Court of Appeals, before this Court, and before the PCR court that additional evidence of his stepdaughter’s allegedly false reports of sexual abuse should have been admitted at his trial. And he has claimed that trial counsel was ineffective for failing to proffer that additional evidence so that our appeals courts could consider it. Two courts—the Court of Appeals and the PCR court—have found his argument unconvincing under *State v. Boiter*, 302 S.C. 381, 396 S.E.2d 364 (1990), the leading South Carolina case about similar allegations. It is the latest of these rulings that Williams now appeals.

Williams’ Trial

Williams went to trial August 31, 2017, to September 1, 2017, in the Pickens County Courthouse before the Honorable Perry H. Gravely and a jury. (App. 1). Assistant Solicitor Shannon Odom, Esq., represented the State. (App. 1). Scott Dover, Esq., represented Williams. (App. 1).

During the trial, the victim accused Williams of sexually abusing her several times over the course of a few years. She said the abuse began when she was around seven or eight years old. (App. 91, ll. 13 – 17). She testified that Williams would rub on various her on various parts of her body. (App. 92, l. 20–93, l. 13). The abuse eventually progressed to include oral sex. (App. 97, l. 19–98, l. 18). The victim recalled that Williams would have her brush her teeth afterwards. (App. 101, ll. 3–13). When the victim lost her virginity at the age of twelve, she said, the abuse stopped. (App. 106, l. 4–107, l. 20). She reported it when she was 17 years old. (App. 108, ll. 20–24).

The jury also heard the testimony of Angela Farmer, who worked at Behavioral Health Services in Pickens County. (App. 201, l. 19–202, l. 2). Farmer testified that when the victim was eight, “[t]here were reports during this time that she had been touched inappropriately by two separate men” and had viewed pornographic material. (App. 217, ll. 1–12). When she was 14 years old, Farmer testified, the victim reported that she had been raped. (App. 220, ll. 8–13). On cross-examination, Farmer confirmed that the victim had accused three men of sexual misconduct. (App. 233, l. 10 – 234, l. 8; 234, l. 20–235, l. 11).

During Williams’ case-in-chief, the jury heard testimony from Wendy Williams, Joseph William’s estranged wife and mother of the victim. (App. 249, l. 12–250, l. 2). Wendy Williams testified that Joseph Williams was not left alone with the victim. (App. 250, l. 20–251, l. 17; 252, ll. 16–25; 255, l. 24–256, l. 22). She also responded to suggestions that she had not supported her daughter by saying that “[i]f me telling the truth seems that I am not supporting her, I can’t help that because I am not going to lie for anybody and I’m not going to lie on anybody.” (App. 259, ll. 14–20). On cross-examination, Wendy Williams explained that “there had been previous accusation made by [the victim], and my other daughter, against other men. Because of that, I was

always leery.” (App. 264, l. 12–18). Chris Williams—Joseph Williams’ brother—also testified that he did not see Joseph Williams and the victim “alone together.” (App. 299, ll. 9–23).

Joseph Williams also testified that he wasn’t alone with the victim, “[b]ecause I was fearful that she may make up some kind of allegations towards me.” (App. 309, ll. 9–14). On cross-examination, he testified that he was not bothered by Wendy Williams’ efforts to keep him away from her daughters “because she said that she didn’t really trust them.” (App. 315, ll. 9–14).

After his conviction, Williams appealed.

Direct Appeal

J. Falkner Wilkes, Esq., represented Williams in his direct appeal. Williams’ final brief, which was filed on May 31, 2018, raised two issues to the Court of Appeals.

1. Did the court commit reversible error in limiting evidence of prior false accusations by complainant against persons other than the defendant?
2. Did the court commit reversible error in excluding evidence as to the Appellant’s state of mind?

(App. 541, 545). In response, the State—represented by Assistant Attorney General Joshua A. Edwards, Esq.—argued that Williams did not preserve his objections about the allegedly false accusations of assault against other men. As far as Williams’ own testimony about his state of mind, the State noted that Williams had conceded its inadmissibility at trial and was introduced similarly strong evidence in any event. (App. 565, 568).

The Court of Appeals decided the case on the briefs. (App. 579–82). The court found that Williams had not properly preserved his argument that the trial court did not perform a proper analysis under *State v. Boiter*, 302 S.C. 381, 383, 396 S.E.2d 364, 365 (1990). (App. 580). Even so, the court found that the evidence would not have been admissible anyway. The court held that

“Williams did not proffer witness testimony or other evidence to show the falsity of the allegations” and that “the prior allegations were too remote to be admitted as evidence.” (App. 581).

After a petition for rehearing was denied, (App. 591), Williams petitioned this Court for a writ of certiorari, (App. 592–609). This Court granted certiorari. (App. 622). On January 12, 2022, this Court issued a per curiam memorandum opinion affirming the Court of Appeals. (App. 689–90). This Court noted:

It is Williams’ position that evidence of false accusations of sexual abuse does not constitute “prior sexual conduct” for purposes of the “Rape Shield” Statute. *See* S.C. Code Ann. § 16-3-659.1 (2015). More to the point, Williams contends evidence of false accusations of sexual abuse “is more properly understood as verbal conduct, not sexual conduct.” The State’s response to this ostensibly meritorious argument is to follow the lead of the court of appeals and assert the issue was not properly preserved in the trial court. We are constrained to agree with the court of appeals that this issue is not preserved for *direct* appellate review.

(App. 690).

Post-Conviction Review

Williams filed his application for Post-Conviction Relief on July 5, 2022. (App. 691–98). Williams alleged ineffective assistance of counsel, partially based on trial counsel’s failure to preserve his objections about the victim’s previous allegations. (App. 692–93).

On September 10, 2024, Williams amended his petition through counsel to raise the following issues:

PCR ISSUE 1. Trial counsel erred in failing to properly raise and preserve the issues at trial that Applicant raised on direct appeal. Applicant is entitled to a belated appeal on the issues raised in his direct appeal, and which the Supreme Court found were not properly raised or preserved.

APPEAL ISSUE I. THE COURT ERRED IN EXCLUDING EVIDENCE OF PRIOR FALSE ACCUSATIONS BY COMPLAINANT AGAINST PERSONS OTHER THAN THE DEFENDANT.

....

APPEAL ISSUE II. THE COURT ERRED IN REFUSING TO ALLOW WITNESSES OFFER TESTIMONY TO EXPLAIN THE APPELLANT'S STATE OF MIND.

....

PCR ISSUE 2: Trial counsel failed to render effective assistance of counsel failing to properly introduce a Facebook post made by the prosecutrix that was highly probative and essential to the defense of the case. Counsel further failed to object to the Court's improper response to the jury's request to have the Facebook post in their deliberations.

....

PCR ISSUE 3. Trial Counsel failed to introduce additional evidence of threats made by the prosecutrix towards the Applicant and his family.

(App. 699 – 702) [*sic*]. The State filed a return dated October 9, 2024.¹ (App. 703–10).

The PCR court held an evidentiary hearing on October 9, 2024, with the Honorable Patrick Cleburne Fant, III, presiding. (App. 711). Mr. Wilkes represented Williams; the undersigned represented the State. (App. 711).

¹ While the return was served on Williams on October 9, it does not appear that the return was filed until October 24. (App. 796). As the PCR court found, there were some slight factual errors in the return regarding dates and locations; those were corrected in the order after counsel informed the Court of those errors. (App. 797).

At the hearing, Williams called two individuals whose testimony is relevant to the current appeal: Wendy Williams and Chris Williams, his brother.² Wendy Williams testified that the victim had made false allegations of a non-sexual nature against Wendy Williams and that the victim had accused a neighbor and her paternal grandmother's boyfriend of sexual misconduct. (App. 720, ll. 2–22). Wendy Williams said she would not allow Joseph Williams to be alone with the victim because she was afraid the victim would accuse him. (App. 722, l. 11–p. 723, l. 7). Wendy Williams said of the allegations against the neighbor that “I can’t tell you that was true or not true.” (App. 722, ll. 15–20). She continued:

But I do feel like, with the paternal grandmother's boyfriend, that was out of anger and especially knowing she had done this to me since she was very young, especially if she would talk to her father on the phone, like the next day, you know, DSS was at my door. . . .

(App. 722, ll. 20–25). Chris Williams also testified that Joseph Williams did not want to be alone with his stepdaughter. (App. 739, ll. 16–21). Chris Williams also testified as a proffer that the victim “had made allegations against the neighbor that lived behind them previous to this” and that Joseph Williams was concerned that the victim would falsely accuse him. (App. 740, l. 15–741, l. 7).

Trial counsel also testified at the evidentiary hearing. He testified that his main strategy for the trial was to try to attack the victim's credibility. (App. 750, ll. 8–14). Trial counsel said he was aware of previous allegations the victim had made against other people and had “called her a veteran of reporting sexual abuse” at trial. (App. 750, l. 15–751, l. 4). Trial counsel said that he did think some of the evidence offered at the PCR hearing would have violated the Rape Shield Statute,

² As discussed below, the State does not understand Williams to be appealing the issue of testimony regarding the victim's allegations against a third individual.

which played a role in what he asked the victim. (App. 751, ll. 8–25). But trial counsel noted that the jury did hear some evidence about previous allegations by the victim. (App. 752, ll. 1–10).

In an order dated April 7, 2025, and filed April 10, 2025, the PCR court denied relief. (App. 796 – 822). This petition for writ of certiorari follows.

STANDARD OF REVIEW

In PCR matters, the standard of review “depends on the specific issue” presented. *Smalls v. State*, 422 S.C. 174, 180, 810 S.E.2d 836, 839 (2018). Appellate courts “defer to a PCR court’s findings of fact and will uphold them if there is evidence in the record to support them.” *Id.* Appellate courts give no such deference to a PCR court’s conclusions of law, and the review is *de novo*. *Jamison v. State*, 410 S.C. 456, 465, 765 S.E.2d 123, 127 (2014).

ARGUMENT

The PCR court did not err in denying relief because, regardless of whether the evidence about the victim’s previous allegation violated the Rape Shield Statute, the evidence would not have been admitted under *Boiter*, and a decision to exclude it would have been affirmed on appeal.

The standards for claims of ineffective assistance of counsel are familiar. First, “the defendant must show that counsel’s representation fell below an objective standard of reasonableness.” *Strickland v. Washington*, 466 U.S. 668, 688 (1984). For this prong, courts assess “reasonableness under prevailing professional norms.” *Id.*

Second, “any deficiencies in counsel’s performance must be prejudicial to the defense in order to constitute ineffective assistance under the Constitution.” *Id.* at 692. “When a defendant challenges a conviction, the question is whether there is a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting guilt.” *Id.* at 695.

Preservation

Before considering the merits of Williams’ petition, the State questions whether Williams properly preserved the issue regarding victim’s accusations against the paternal grandmother’s boyfriend. The PCR court referenced those accusations in passing. The PCR court did not explicitly consider those allegations under the *Boiter* test—something it clearly did with regard to the allegations against the third party and the neighbor. The allegations were mentioned briefly in the court’s consideration of whether Williams was not allowed to adequately explain his fear of false accusations to the jury.

South Carolina’s preservation rules have two requirements: The issue must be (1) raised to and (2) ruled upon by the lower court. *See I’On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) (“This principle underlies the long-established preservation

requirement that the losing party generally must both present his issues and arguments to the lower court and obtain a ruling before an appellate court will review those issues and arguments.”). The rule does not trap appealing parties that didn’t get a ruling from the lower court. It simply adds another step to the process in that case: filing a motion under Rule 59(e). *See Elam v. S.C. Dep’t of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) (“A party *may* wish to file such a motion when she believes the court has misunderstood, failed to fully consider, or perhaps failed to rule on an argument or issue, and the party wishes for the court to reconsider or rule on it. A party *must* file such a motion when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.”).

Here, the PCR court did not clearly rule upon whether the allegations against the grandmother’s boyfriend would have survived a *Boiter* analysis or would have otherwise been admissible under our state’s evidentiary rules. And Appellant did not file a Rule 59(e) motion to resolve the dispute. As a result, the accusations against the paternal grandmother’s boyfriend, and whether trial counsel improperly decided not to raise them, are not preserved for this Court’s review and should not be considered. However, as explained below, they would not merit reversing the PCR court in any event.

Merits

Williams argues that the PCR court erred by not granting him relief on his claim that trial counsel should have raised the victim’s previous allegations of sexual assault against other men that he contends are untrue. According to Williams, trial counsel wrongly believed—and the PCR court wrongly accepted—that the allegations were barred by the state’s Rape Shield Statute. *See* S.C. Code Ann. § 16-3-659.1 (West) (specifying the limited instances in which a court should

admit “[e]vidence of specific instances of the victim’s sexual conduct, opinion evidence of the victim’s sexual conduct, and reputation evidence of the victim’s sexual conduct” in cases involving certain sexual offenses).

First, Williams contends that allegedly false reports of sexual assault are not covered by the Rape Shield Statute. Candidly, some courts have found that. *See, e.g., State v. Smith*, 743 So. 2d 199, 202 (La. 1999) (“Because the evidence defendant attempted to introduce did not concern the victim's prior sexual behavior, history or reputation for chastity, we conclude that prior false allegations of sexual assault by the victim do not constitute ‘past sexual behavior’ for purposes of our rape shield statute.”). And our courts have emphasized that the Rape Shield Statute is designed to protect against efforts to undermine the victim’s morality. *See State v. Lang*, 304 S.C. 300, 301, 403 S.E.2d 677, 678 (Ct. App. 1991) (interpreting this Court’s ruling in *State v. Finley*³ as a holding that “the Rape Shield Statute did not bar evidence of a victim’s sexual conduct if the evidence was offered for a purpose other than to attack the victim's morality”); *see also State v. McCoy*, 274 S.C. 70, 72–73, 261 S.E.2d 159, 160 (1979) (“In recent years there has been a great tendency by counsel for persons accused of rape or criminal sexual misconduct to try the prosecutrix instead of the defendant. No doubt the legislature has concluded that such tactics have a chilling effect on prosecutions, to the detriment of society, while providing minimal benefit to the accused person in his defense.”).

The State contends that the Rape Shield Statute would, at least, apply to the testimony about the victim’s allegations against the third individual. There, Williams was trying to make an issue of whether the victim had consented to sexual conduct with the third individual, which could

³ 300 S.C. 196, 387 S.E.2d 88 (1989).

be taken as an attack on her morality. The State does not understand those allegations to be part of William's appeal.

In any event, the PCR court did analyze the allegations against the neighbor, at least, under *Boiter*, which the PCR court read as “[f]illing in the gap” between the Rape Shield Statute and the Confrontation Clause. And the PCR court noted that the Statute does not necessarily apply to “evidence of the victim’s allegations of sexual conduct.” (App. 812). Because the PCR court considered all the allegations under *Boiter*, any misstep on the exact contours of the Rape Shield Statute would not have dramatically altered the PCR court’s conclusion.⁴

So, both the State and Williams agree that *Boiter* is the correct lens through which to view the evidence about the neighbor and the grandmother’s boyfriend. The problem for Williams is that he cannot clear *Boiter*’s evidentiary limits.

In *Boiter*, this Court laid out the standards for when allegedly false accusations of sexual offenses by third parties should be admitted in prosecutions like the case against Williams.

We hold that in deciding admissibility of evidence of a victim's prior accusation, the trial judge should first determine whether such accusation was false. If the prior allegation was false, the next consideration becomes remoteness in time. Finally, the trial court shall consider the factual similarity between prior and present allegations to determine relevancy.

302 S.C. at 383–84, 396 S.E.2d at 365.

Here, Williams cannot get past step one. His argument is that the victim’s previous accusations against other men are false because witnesses at the PCR hearing testified that those

⁴ The PCR court did bar Chris Williams’ testimony about the neighbor under the Rape Shield Statute. (App. 739, l. 24–740, l. 13). In any event, Williams was allowed to proffer the testimony. And as explained below, the testimony would not have satisfied *Boiter* even if it was admissible under the Rape Shield Statute.

witnesses thought the allegations were false. Whatever the standard may be for proving falsity under *Boiter*, it cannot be enough for witnesses to simply say they do not believe the allegations.

Wendy Williams—whose credibility the PCR court questioned because of her relationship with Joseph Williams, (App. 809)—explained why she contended she was hesitant to leave Joseph Williams alone with her children. Wendy Williams testified that the victim had alleged that she was abused by “one man who was a neighbor.” (App. 720, ll. 4–6).

Q Did she ever make allegations of a sexual nature about other people that you believe were false or Mr. Williams believed was false?

[Overruled objection omitted]

THE WITNESS: Yes. She had accused also her paternal grandmother's boyfriend. That was maybe a couple of years after she accused the neighbor. And then it's hard to remember all the dates. . . .

(App. 720, ll. 15 – 24).⁵ Moments later, though, Wendy Williams said she “can’t tell you” whether the allegation against the neighbor was “true or not true.” (App. 722, ll. 15–20). She then testified that she “feel[s] like, with the paternal grandmother’s boyfriend, that was out of anger,” particularly because of previous allegations the victim had made of non-sexual mistreatment against Wendy Williams. (App. 722, l. 20–723, l. 3).

⁵ Wendy Williams then began discussing allegations against another individual who allegedly had sex with the victim when she was underage. (App. 720, l. 23–721, l. 3). After an objection, the rest of Wendy Williams’ testimony about that allegation was heard under a proffer. Because Joseph Williams’ petition before this court argues that trial counsel’s error was “failing to proffer evidence of the complainant’s prior false accusations of sexual abuse against a neighbor and her paternal grandmother’s boyfriend,” Pet. 16, the State does not understand Joseph Williams to be raising the allegations about the third person here. If so, they are without merit, because those allegations are not clearly false. In fact, the opposite is likely true. As Joseph Williams concedes in his own petition, the third individual “pled guilty to second degree criminal sexual conduct with a minor and lewd act upon a child.” Pet. 11.

Chris Williams—Joseph’s brother—also testified about the allegations against the neighbor under proffer. He said the victim “had made allegations against the neighbor that lived behind them previous to this. And my brother and I, we talked about it. And I -- you know, we -- I came and just talked with him that he should never be alone with her due to those previous allegations.” (App. 740, ll. 20–24). Chris Williams then testified that the history of previous allegations made Joseph Williams “concerned” about being alone with the victim. (App. 740, l. 25–741, l. 7).

Before this Court, Joseph Williams argues that trial counsel’s performance was deficient because counsel wrongly believed evidence about the previous allegations would have violated the Rape Shield Statute. But even if counsel was wrong on that narrow issue—and the State does not concede that he was—counsel’s error did not prejudice Williams. The trial court still would likely have excluded the evidence under a *Boiter* analysis, and that decision would likely have been affirmed on appeal.

As discussed before, the PCR court does not appear to have ruled on the allegations against the paternal grandmother’s boyfriend. But the PCR court found that the allegations against the neighbor failed the *Boiter* test in part because Williams presented minimal evidence that the allegations were false. In fact, the PCR court said it was “skeptical that Applicant provided *any* proof that the allegations of abuse by the neighbor were false.” (App. 816) (emphasis added).

The evidence that the allegations against the grandmother’s boyfriend were false is not much stronger. The support for finding those accusations false comes from Wendy Williams’ feeling that the victim’s claim of abuse was a result of the victim’s anger. But feelings are not evidence, and Joseph Williams still has not presented sufficient reason for the PCR court or this Court to find that the victim’s other reports of sexual abuse were false.

As the PCR court noted, it was not writing on a blank sheet of paper. On direct appeal, the Court of Appeals found the issue unpreserved and this Court affirmed specifically on that issue. But the Court of Appeals also considered the evidence under *Boiter* in its initial opinion.

In this case, Williams did not proffer witness testimony or other evidence to show the falsity of the allegations. *See Boiter*, 302 S.C. at 383, 396 S.E.2d at 365 (“[I]n deciding admissibility of evidence of a victim's prior accusation, the trial [court] should first determine whether such accusation was false.”); *State v. Jackson*, 384 S.C. 29, 34, 681 S.E.2d 17, 19 (Ct. App. 2009) (“Generally, the failure to make a proffer of excluded evidence will preclude review on appeal.”). In any event, we find the prior allegations were too remote to be admitted as evidence. *See Boiter*, 302 S.C. at 384, 396 S.E.2d at 365 (holding a prior allegation was too remote to be of sufficient probative value when the victim was eight years old at the time of the incident and seventeen at the time she testified at trial). We find no error in the trial court's exclusion of the evidence.

State v. Williams, Op. No. 2020-UP-199, 2020 WL 3571979, at *1 (S.C. Ct. App. July 1, 2020).

Over the next four years, Williams was able to produce little additional proof that the allegations were false. And even if he had more, the Court of Appeals found the evidence too remote. Williams also argues that the allegedly false accusations were not too remote, because the relevant time frame is the time between the alleged incidents and not the time between the victim's reports. The PCR court observed the question, and found that “a good faith reading of the court of appeals' analysis of this case” suggested that the time between allegations was what was relevant, rather than the time between the incidents. (App. 815). While the PCR court did not expressly rule on this, Williams has not shown that the PCR court erred by not disagreeing with the Court of Appeals.

Given all that, the trial counsel's failure to call for the evidence to be reviewed under *Boiter* was not deficient, because it wouldn't have been admitted. Failing to raise an argument that would have been rejected does not violate “prevailing professional norms.” *See Thompson v. State*, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000) (requiring a showing that “counsel failed to render

reasonably effective service under prevailing professional norms” for an ineffective assistance of counsel claim).

And even if it had been deficient, the failure to raise and preserve the issue could not prejudice Williams for two reasons. First, the argument likely would have been rejected by the trial court, and that ruling would likely have been affirmed on appeal—meaning the result of Williams’ prosecution would not have changed. *See id.* (requiring a showing that “the deficient performance prejudiced the applicant’s case”). Second, jurors were already aware that the victim had accused multiple people of sexual misconduct.⁶

CONCLUSION

Williams has not shown that counsel was deficient in failing to attempt to have the allegations against the neighbor and the paternal grandmother’s boyfriend admitted into evidence. Nor has he shown that it a decision to exclude it—the likeliest outcome—would have been reversed on appeal. And he has not shown a likelihood that even if the evidence had been admitted, it would have changed the outcome of his case. This Court should deny the petition for writ of certiorari.

⁶ *Grovenstein* is distinguishable. *See State v. Grovenstein*, 340 S.C. 210, 530 S.E.2d 406 (Ct. App. 2000). There, the court found that the exclusion of evidence that the alleged victims had been accused of similar misconduct—showing that they would know about sexual acts—was not harmless solely because it was cumulative to other evidence that they had some sexual knowledge. *See* 340 S.C. at 221, 530 S.E.2d at 412 (“Because the jury’s determination of Grovenstein’s guilt depended on whether it believed Grovenstein’s testimony or the victims’ testimony, we cannot say the exclusion of evidence that was critical to Grovenstein’s credibility was harmless beyond a reasonable doubt.”). But in that case, the court noted the similarity between the acts that the victims were accused of and those they had accused the defendant of. *See id.* at 220, 530 S.E.2d at 412. Here, it is not at all clear that the incidents described at Williams’ trial did not include the incidents brought before the PCR court. And the fact that the victim had accused multiple men does not mean additional instances would have increased the jury’s doubts. At some point, the allegations would reach a point of diminishing returns.

Respectfully Submitted,

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