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Jun 03 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Cherokee County

Honorable Grace Gilchrist Knie, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DANIEL MACHITO BUCKSON,

APPELLANT

APPELLATE CASE NO. 2025-001631

ANDERS BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err in overruling appellant's bolstering objection to the testimony of the State's sexual abuse expert when the expert tailored her testimony to the specific facts of the allegations?

STATEMENT OF THE CASE

Appellant was indicted in Cherokee County for five counts of second-degree criminal sexual conduct with a minor, one count of third-degree criminal sexual conduct with a minor, exposure of private parts in a lewd act, and incest and on August 4, 2025, was tried before the Honorable Grace Gilchrist Knie and a jury. R. 1. Kimberly Leskanic and Evan Haney represented the State. R. 1. Dan MacDonald and Nicholas Bainbridge represented appellant. R. 1. The jury convicted appellant. R. 435-37. Judge Knie sentenced appellant to life imprisonment without the possibility of parole pursuant to South Carolina's recidivist statute. R. 451-52. This appeal follows.

STANDARD OF REVIEW

The trial court's ruling is reviewed under the abuse of discretion standard. State v. Makins, 433 S.C. 494, 500-01, 860 S.E.2d 666, 670 (2021).

ARGUMENT

The trial court erred in overruling appellant's bolstering objection to the testimony of the State's sexual abuse expert when the expert tailored her testimony to the specific facts of the allegations.

The State charged appellant with the sexual abuse of his biological daughter, Complainant. Complainant described multiple occurrences of sexual contact with her father during her testimony. R. 126-43. The State also introduced the contents of sexually explicit electronic messages Complainant claimed were exchanged with her father. R. 143-213. The vast majority of Complainant's testimony on direct consisted of her and the solicitor reading and explaining the meaning of these messages that were purportedly from appellant. R. 143-213.

Appellant voluntarily gave the police the password to his phone. R. 278. The subsequent extraction of appellant's phone did not reveal any of the content of these messages. R. 278. The police admitted they did not physically scroll through appellant's phone to see if any of the messages Complainant said existed were on appellant's phone. R. 279. The trial judge denied appellant's pre-trial motion in limine to exclude the messages based on authentication because of the possibility the messages had been faked. R. 53.

On cross-examination, Complainant admitted she repeatedly denied the abuse and recanted her allegations. R. 222-239. In a forensic interview, Complainant told the interviewer that "someone had reported my dad was molesting me and it wasn't true." R. 222. She said she had never felt uncomfortable around her father. R. 223. The number of sexual incidents she claimed varied wildly between interviews and trial. R. 224-25. She admitted that she told an interviewer that she was upset at something her father said and made up the allegations. R. 226. Complainant explained that her father told her how to recant the allegations. R. 226.

Complainant also agreed she recanted the abuse allegations to a police officer. R. 232. She knew her father would get “in really big trouble.” R. 232. She also told an interviewer that a specific allegation she leveled at her father—that he would take her to purchase Plan B after intercourse—was really the work of a boy at school. R. 234. Complainant denied the abuse to DSS. R. 237.

The State’s last witness was Shauna Galloway-Williams who the State wanted to present as a so-called “blind expert” on the child sexual abuse. R. 301. Before Williams testified, appellant informed the judge he believed the State intended to use Williams’ testimony to bolster Complainant. R. 301. Defense counsel said he would “be promptly objecting” when Williams’ testimony crossed the line from generalities into “specific facts about this case.” R. 301.

The court qualified Williams as an expert in “child sexual abuse dynamics.” R. 312. Near the end of her lengthy direct examination, the solicitor asked Williams, “if someone does come out and ask a child about abuse ... are there reasons that a child would deny that abuse is going on?” R. 328. Appellant objected and Judge Knie held a bench conference. R. 328.

The substance of the bench conference was placed on the record after Williams’ testimony. R. 336-38. Defense counsel said his objection was “improper bolstering because of the way she had tailored her question making it very fact specific to this case instead of allowing the blind expert to just answer general questions about child abuse dynamics. . . .” R. 337. Judge Knie said she “sustained” the objection as a “cautionary objection” because they were “at the very beginning of a question regarding recanting.” R. 337. The trial judge clearly meant “overruled” instead of “sustained” because the court allowed an even more specific question about recantation after the bench conference. No need would exist for cautioning the solicitor if

the objection had been sustained. Furthermore, defense counsel would have no need for placing a sustained objection on the record.

After the bench conference, the solicitor asked a slightly different, and more improperly specific question: “Again, do you have any general information on a child who may either, when asked, fail to disclose or even, after disclosure, recant all or part of that?” R. 328. Williams gave a long answer bolstering Complainant’s recantation. R. 329-30. She testified that recanting or denials were “part of the process of disclosure.” R. 329-30.

Williams talked about the lack of family support may influence a child to recant. R. 329. Complainant’s mother died of a disease when Complainant was approximately seven years old. R. 342. Fear of threats or never seeing siblings again were cited as reasons for recantation or denial. R. 329-30.

In State v. Anderson, 413 S.C. 212, 218-19, 776 S.E.2d 76, 79 (2015), the Supreme Court stated that forensic interviewers were not to be used as experts on truth-telling by children and suggested using an “independent expert” to testify about the behavioral characteristics of sex abuse victims. In Anderson, the Court found that a witness vouched for the minor’s credibility “when she testified only to those characteristics which she observed in minor.” Id. In State v. Barrett, 416 S.C. 124, 133, 785 S.E.2d 387, 391 (Ct. App. 2016), the court refused a vouching challenge to an abuse expert because the witness “did not limit her testimony to explaining the exact behavioral characteristics Victim exhibited.”

Appellant’s case more closely resembles Anderson. Complainant’s repeated denials and recantations were the substance of appellant’s defense. Her inconsistent statements were the focus of defense counsel’s cross-examination. The State used Williams to clean up Complainant’s testimony on these points. Explaining statements that—one way or another—

were a lie as “part of the process of disclosure” was meant to excuse these serious reversals to the jury as normal behavior. It told the jury to believe Complainant despite her many inconsistent claims because it was a normal part of the process.

Defense counsel timely and properly objected to the tailoring—which the State skillfully saved for near the end of Williams’ testimony and the State’s case. Defense counsel made the proper objection based on Anderson. The trial court erred in allowing the State to cross the line from generalities to specifics with Williams. The vouching excused Complainant’s inconsistencies and had it not occurred, there is a reasonable probability that appellant would not have been convicted. This Court should reverse.

CONCLUSION

For the foregoing reasons, this Court should reverse appellant's convictions and remand for a new trial.



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

This 3rd day of June, 2026.

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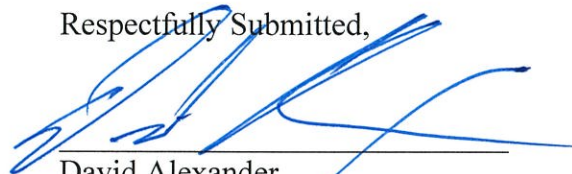
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Daniel Buckson 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 Grace Gilchrist Knie, which was held on August 4-6, 2025, 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 Daniel Buckson.

Respectfully Submitted,



David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

This 3rd day of June, 2026.

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CERTIFICATE OF COUNSEL

SC Court of Appeals

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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