THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions

George M. McFaddin Jr., Circuit Court Judge

Appellate Case No. 2025-002355

The State of South Carolina, Respondent,

v.

Katherine A. Baucom-Cowick, Appellant.

AMENDED INITIAL BRIEF OF APPELLANT

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STATEMENT OF THE CASE

On October 13, 2016, the Darlington County Grand Jury indicted Appellant Katherine Ann Baucom-Cowick for Burglary, First Degree. (R. 2016-GS-16-1447). Specifically, the indictment alleged "[t]hat [Appellant] did in Darlington County on or about July 17, 2016, along with co-defendant [Cephas Cowick], enter the dwelling of Denise Couplin . . . without consent and with the intent to commit a crime therein and *[Appellant] did so while armed with a pistol*, in violation of Section 16-11-0311(A)" of the South Carolina Code of Laws. (R. *) (emphasis added).

On October 17, 2024, the Darlington County Grand Jury also indicted Appellant for two counts of Accessory before the fact to Murder and one count of Accessory before the fact to Armed Robbery. (R.2024-GS-16-02093–95). Specifically, the indictments alleged "[t]hat [Appellant] did in Darlington County on or about July 17, 2016, advised or agree[d] with or urge[d] or hire[d] or in some way aid[ed], counsel[ed] or encourage[d] the principal felon, Cephas Cowick, to commit the felony of Murder [and Armed Robbery], but was not present in the home of Denise Couplin [and her grand-daughter], at the time the crime was committed".

On June 2–5, 2025, Appellant proceeded to a *bench* trial before the Honorable George M. McFadden. (Tr. p. 1–304). Paul Cannarella and Bennett Gore represented Appellant, and Deputy Solicitor Kernard Redmond and Assistant Solicitor Savannah Baxley prosecuted the case on behalf of the State. The Trial Court returned the following verdicts: (1) Not guilty of the two counts of Accessory before the fact to Murder, (2) Guilty of Accessory before the fact to Armed Robbery, and (3) Guilty of Burglary, First Degree. (Tr. p. 243, line 10 – p. 248, line 2). The Trial Court sentenced Appellant to concurrent Twenty-Five (25) years imprisonment for each conviction. (Tr. p. 303, lines 3-7; R. Sentencing Sheets).

On June 12, 2025, Appellant filed a Motion for New Trial and Reconsideration of Sentence. (R. *). The Trial Court issued an Order denying the motion for new trial and reconsideration of sentence on November 19, 2025. (R. *).

On November 20, 2025, Appellant filed a Notice of Appeal. (R.*).

STATEMENT OF FACTS

Opening Statements

During opening statements, the State maintained Appellant knew that her husband, Cephas Cowick, planned to rob and murder Denise Couplin and "even wanted one of his friends to talk him out of it." (Tr. pp. 8–9). The State also claimed that Appellant drove him to Couplin's house, waited at a nearby gas station, and entered the residence after the murders with the intent to steal. (Tr. p. 9).

In response, Defense Counsel emphasized the State could not prove beyond a reasonable doubt that Appellant knew of Cephas' plan to rob and murder Couplin, or that Appellant knew Cephas had a gun that night. (Tr. pp. 10–12). Defense Counsel explained that Appellant was severely addicted to drugs, had been on a three-day binge, and was not aware of Cephas' plan to murder Couplin. Defense Counsel conceded that Appellant "made the mistake of going with him back to the house", and that the case should be based on whether Appellant's actions constituted Burglary, First degree, or Second Degree. (Tr. p. 11).

Robert Dolford (Couplin's Neighbor)

At trial, Couplin's neighbor, Robert Dolford, testified that on the morning of July 17, 2016, the sound of fire trucks woke him up and explained that about 30 to 45 minutes later, a young man knocked on his door, acting hysterical, and asked to use the phone to call his sister and 911. (Tr. pp. 13–14). The young man told Dolford that his niece was lying on the floor and not moving. Dolford spoke to the 911 Operator, and the 911 Operator instructed him to go to the residence. Dolford entered the house with the young man and informed the 911 operator that he saw Couplin and her granddaughter deceased in the bedroom. (Tr. pp. 14–18). The State admitted the audio recording of the 911 call without objection as State's exhibit number two and played the recording for the Court. (Tr. p. 18).

Thomas Fratus (Responding Officer)

Officer Thomas Fratus of the Darlington County Sheriff's Office ("DCSO") testified that he and Deputy Caulder responded to the residence after receiving a call "that there was a juvenile located inside the residence covered in blood and the mother was missing." (Tr. p. 21, lines 1-10). Upon arrival, the Officers noticed several individuals on the front porch of the residence. Officer Fratus noted he saw the front door frame was damaged and "the bedroom just appeared ransacked". (Tr. p. 23). Officer Fratus stated that he and Deputy Caulder entered the home and located the victims in the back bedroom. (Tr. p. 24). Officer Fratus explained that they exited the home and secured the crime scene.

Dawn Claycomb (SLED Agent)

Agent Dawn Claycomb of the State Law Enforcement Division ("SLED") testified that she and Special Agent Miller documented the crime scene. (Tr. pp. 26–56). She maintained that she observed forced entry to the front door, the bedroom was in disarray, bloodstains on the bed, and a black purse dumped out on the mattress. (Tr. p. 32). She also found a large knife underneath Denise Couplin and bullet projectile near the deceased juvenile. (Tr. p. 33–34).

Agent Claycomb stated that she was called to a secondary location where a burnt vehicle had been discovered (Couplin's Escalade—"SUV"). (Tr. p. 37). However, the vehicle had been removed by the time she arrived. She also noted that Investigator Mark Luce instructed her to process a dumpster where she recovered shoes, black socks, a shirt, black pants, and debit cards issued to Denise Couplin. (Tr. pp. 39–40). She further explained that she collected the murder weapon from Investigator for testing. (Tr. p. 42).

Mark Luce (DCSO Lead Investigator)

Lead Investigator Mark Luce of the DCSO testified that he received information that led

him to interview Phillip Norris and Taylor Lane. (Tr. p. 60). Investigator Luce stated that he received information during those interviews identifying Cephas Cowick and Appellant as suspects. (Tr. p. 61).

After interviewing Cephas, Investigator Luce directed SLED to locate and search the contents of a dumpster near Cephas' residence while he went to Stephen Segar's residence to locate the murder weapon. (Tr. p. 62). Upon his arrival at Segar's residence, Investigator Luce spoke with Cameron Evans who went inside the home at Stephen Segars' direction and retrieved the murder weapon. (Tr. pp. 66–67).

Investigator Luce testified that Appellant "fell asleep on the couch in our office", and "[w]e really couldn't wake her up" and interviewed Appellant the following day. (Tr. p. 72, lines 5-6; pp. 72 –73, pp. 76–79). He maintained that Appellant admitted to going inside the Couplin's residence after dropping Cephas off nearby, waiting at a convenience store until he arrived driving the SUV, and following him back to the residence. Investigator Luce also stated that investigators found $7.00 dollars cash and debit cards inside Appellant's purse. (Tr. p. 80). Investigator Luce also claimed that Appellant admitted to knowing that Cephas planned to rob the Couplin. (Tr. p. 81, lines 15-17). The State then admitted a redacted copy of Appellant's interrogation without objection as Court's exhibit number one and played it for the Court. (Tr. pp. 81–83).

On cross-examination, Investigator Luce conceded that Appellant was initially "passing out" and not able to stay awake while at the DCSO. (Tr. p. 86). Investigator Luce also acknowledged that Appellant wore the same shirt and voluntarily brought her purse back to the DCSO the following day, attempting to show Appellant's lack of criminal intent and knowledge the purse contained stolen debit cards. (Tr. pp. 86–87). Notably, Investigator Luce admitted that there was no evidence indicating Appellant knew about Cephas' hand-drawn diagram of the

residence obtained from Mr. Diviner ("Q") and conceded that approximately an hour and half of Cephas' interview is missing. (Tr. pp. 88–89; p. 92).

On re-direct examination, Investigator Luce maintained that Appellant acknowledged she was aware Cephas intended to rob Couplin, and that Appellant wore the same shirt seen on the surveillance video from the gas station to the DCSO during her interview. (Tr. pp. 97–98).

On re-cross examination, Defense Counsel challenged Investigator Luce's testimony regarding whether Appellant did in fact admit to driving Cephas and dropping him off near the residence based on Appellant's recorded statement, and Investigator Luce still claimed Appellant made that admission. (Tr. pp. 99–100).

On re-re-direct examination, Investigator Luce maintained that, regardless of whether Appellant drove the vehicle, she was with Cephas and took control of the vehicle after he went to the residence. (Tr. p. 100).

Jacqueline Gause (Former DCSO Investigator)

Former investigator with the DCSO, Jacqueline Gause, testified that she interviewed Couplin's siblings and that she sent the surviving juveniles to the Care House Durant Center for interviews. (Tr. pp. 102–103). Investigator Gause also explained that she assisted Investigator Luce with the investigation and witness interviews. Investigator Gause testified regarding Google Earth images identifying locations relevant to the investigation and evidence.

Investigator Gause identified Appellant and her vehicle (GEO Tracker), from screenshots of the gas station's video surveillance system. (Tr. p. 108). In a separate photograph taken at the DCSO, she also identified that Appellant was wearing the same jacket as in the surveillance video recordings. (Tr. p. 109). She further identified a photograph of Appellant's wallet that contained the $7.00 dollars cash and debit card. (Tr. p. 109).

On cross-examination, Investigator Gause admitted that law enforcement believed Cephas took "Q" home *after* dropping off Appellant, and that Cephas drew a map of Couplin's home with "Q", which also focused their investigation on "Q". (Tr. p. 110).

Todd Schenk (SLED Digital Photography Expert)

Investigator Todd Schenk of SLED testified as an Advanced Digital Photography expert and that he utilized a FARO 3D laser scanner to create a virtual rendition of the crime scene. Investigator Schenk explained that SLED uses this technology to help illustrate a 3D view of the crime scene environment. (Tr. pp. 113–119).

Mica Griggs (Former DCSO Investigator)

Former investigator with the DCSO, Mica Griggs, testified that she was the on-call investigator on July 17, 2016, and was dispatched to Couplin's residence. (Tr. pp. 120–121). She sequently obtained a search warrant for SLED to begin processing the crime scene. (Tr. p. 122). Investigator Griggs also testified that she was tasked with assisting the two juveniles and taking them to the Durant Center for interviews. (Tr. p. 123).

Investigator Griggs testified that she and Investigator Brandon Pate went to a nearby gas station where they realized the video surveillance system was off by a day and ten minutes. (Tr. pp. 124–127). She explained that Investigator Pate had to record the surveillance videos using his cell phone because the clerk did not know how to download the actual recordings. Investigator Griggs further stated that she made time-stamped notes while they watched the recordings. (Tr. p. 125).

Investigator Griggs testified to her time-stamped notes of the surveillance recordings and provided the sequence of events. (Tr. pp. 128–130). Investigator Griggs maintained that she could identify Appellant on the driver's side of her vehicle because of the bright color of Appellant's

shirt. The State admitted five video surveillance recordings into evidence without objection as State's exhibit number one. (Tr. p. 132; R*). Investigator Griggs then identified the vehicles and Appellant in the surveillance videos. (Tr. pp. 133–134).

Phillip Norris (Cephas' Friend)

Phillip Norris testified that he had been friends with Cephas since kindergarten, and that Cephas and Appellant came to Taylor Lane's birthday party prior to the murder. (Tr. p. 137–138). Norris claimed that Cephas "kept talking about that he was going to 'hit a lick' . . . referencing that they was gonna try to rob [Couplin]." (Tr. pp. 141–142). Norris also testified that Cephas asked Norris to borrow a gun because he was going to rob and potentially murder Couplin for owing him money. (Tr. p. 144). Norris denied giving Cephas a gun. (Tr. p. 145).

On cross-examination, Norris confirmed that he and Cephas had a *private* conversation out of earshot of the other people at the party that night. (Tr. pp. 148 –149). Norris also admitted that Couplin illegally sold pills to both him and Cephas. (Tr. p. 149).

Taylor Lane (Party Host)

Taylor Lane testified that she hosted a birthday party for herself, and that Cephas and Appellant arrived around midnight and stayed for about 45 minutes to an hour. (Tr. pp. 152–153). Lane claimed that Cephas announced to everyone at the party that he was going to borrow a gun to rob and kill Couplin. (Tr. pp. 153–155). Lane maintained that Appellant asked them to talk Cephas out of doing it. (Tr. p. 156).

On cross-examination, Lane conceded that Cephas and Norris initially walked off and had a private conversation. Lane also confirmed that Appellant "did not want him [Cephas] to do it" and had asked them to "talk him out of it". (Tr. pp. 162–163).

Motion for Directed Verdict

At the close of the State' case-in-chief, Defense Counsel moved for a directed verdict of acquittal. (Tr. pp. 164–168). Specifically, Defense Counsel argued that the State had not presented any evidence proving Appellant entered the dwelling "armed with a pistol as charged in the indictment." (Tr. pp. 165–166). The State argued that they proceeded under the theory of "hand of one, hand of all" doctrine. (Tr. p. 166). The Trial Court denied the motion. (Tr. p. 167).

Notably, Defense Counsel then moved for a directed verdict "to include all four indictments." (Tr. pp. 167–168). The State argued that sufficient evidence had been presented to submit the case to the finder of fact. The Trial Court denied those motions. (Tr. p. 168).

Dr. Susan Knight (Clinical Forensic Psychologist)

For the defense's case-in-chief, Clinical Forensic Psychologist Dr. Susan Knight testified as an expert who conducted a comprehensive multi-year evaluation of Appellant that involved clinical interviews, collateral interviews with family and professionals, and her review of extensive legal and medical records. Dr. Knight testified that Appellant began abusing drugs at the age of 13 years old and explained the escalation of her addiction. (Tr. pp. 170–195).

Dr. Knight also testified that Appellant had severe opioid and cocaine use disorders at the time of her arrest. Dr. Knight explained that Appellant had been on a multi-day drug binge to stave off painful physiological withdrawals. Dr. Knight opined that Appellant's reality and judgment were severely impaired, meaning that she was not making rational decisions. Dr. Knight acknowledged on cross-examination that voluntary intoxication is not a legal defense.

Closing Arguments

During closing argument, the State argued that Appellant's actions prove the charged criminal offenses beyond a reasonable doubt because she knew Cephas planned to commit an

armed robbery, she drove him near the residence, and is liable for the natural and probable consequences of that robbery. (Tr. pp. 198–213). The State relied on the "hand of one, hand of all" doctrine, arguing Appellant entered the home knowing that Cephas had killed the victims.

Defense Counsel argued that the State failed to meet its burden of proving the charged criminal offenses beyond a reasonable doubt, and that Appellant did not have the requisite criminal intent for the murder or armed robbery charges. (Tr. pp. 214–227). Defense Counsel pointed out that the State's witnesses testified that Appellant actively tried to talk Cephas out of committing the crimes. Defense Counsel also argued that Appellant could not have foreseen the murder or armed robbery.

Defense Counsel further relied on the "corroboration" doctrine regarding the Burglary, First Degree, charge because Appellant's admissions lacked any independent corroboration. (Tr. p. 221–224). Defense Counsel pointed out that the State failed to call Cephas or "Q" as witnesses to provide independent proof corroborating Appellant's statement. Notably, Defense Counsel also argued that the charge of Burglary, First Degree, should be reduced to Burglary, Second Degree. (Tr. p. 227).

Verdicts

The Trial Court returned the following verdicts: (1) Not guilty of the two counts of Accessory before the fact to Murder, (2) Guilty of Accessory before the fact to Armed Robbery, and (3) Guilty of Burglary, First Degree. (Tr. p. 243, line 10 – p. 248, line 2). The Trial Court provided the following findings and rationale for his rulings:

> Stated simply while [Appellant] was present at the party, even at the table with a large group, I do not know if [Appellant] heard Cephas state he was going to kill the victim. There was testimony that [Appellant] urged those at that table to talk Cephas out of doing it or something like that. One can assume [Appellant] heard about the killing plan at the party, but I am not convinced free of doubt that

> [Appellant] knew Cephas spoke of killing the victim. So I give no weight to that segment of the testimony.
>
> . . .
>
> Defendant, in her statement to law enforcement, stated she was aware of Cephas's plan to rob the victim. . . . By her own words, defendant was aware of Cephas's plan to rob the victim. She then assisted in the plan of armed robbery when she dropped "C" off near the victim's house so he could walk through the house to do so. . . . Defendant knowingly participated in assisting "C" with the armed robbery.
>
> . . .
>
> [T]he record is clear to me that [Appellant] was aware of the armed robbery plan and assisted in that plan knowingly. I do not find that [Appellant] was aware that as a practical result of the armed robbery that Cephas would murder the victim or the child.
>
> As to the burglary verdict, I find that [Appellant] did enter a dwelling of another without consent with the intent to commit a crime, therein, and she was with Cephas who was armed with a deadly weapon. . . . [Appellant] did not state she did not see the gun but that, she does not know when she saw the gun while at the house.
>
> . . .
>
> [Appellant] stated, 'Cephas wanted to go back to the crime scene to double check to find the pills. She was aware they were going back to do that. At the house when [Appellant] was present, Cephas gave a bag to [Appellant] while they were there together with pills, pill bottles in it.

(Tr. p. 245, line 1 – p. 247, line 22). The Trial Court also found Dr. Knight's testimony irrelevant to the issue of Appellant's guilt.

Post-Trial Motion for New Trial

On June 12, 2025, Appellant filed a Motion for New Trial and Reconsideration of Sentence. (R. *). Specifically, Appellant argued there is "insufficiency of proof beyond a reasonable doubt that [Appellant] is guilty of Accessory Before the Fact of Armed Robbery" because "the Court articulated that it relied on the fact [Appellant] drove Cephas Cowick to the crime scene." (R. *).

During Appellant's police interrogation on July 18 at "the 11:13:27 mark", Appellant stated, "I rode with him [Cephas]." Appellant also stated at "the 11:15:30 mark", "He was driving" in response to a question about who drove to the crime scene. Notably, Appellant argued, "Due to this direct evidence from [Appellant], the Defense asserts the Court erred in relying on the fact [Appellant] drove Cephas Cowick to the crime scene for the guilty verdict of Accessory Before the Fact of Armed Robbery." (R. *).

On November 19, 2025, the Trial Court denied the motion for new trial and reconsideration of sentence. (R. *).

This appeal follows.

STANDARD OF REVIEW

"When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight." *State v. Weston*, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). When reviewing a trial court's denial of a defendant's motion for a directed verdict, an appellate court must view the evidence in the light most favorable to the State. *State v. Venters*, 300 S.C. 260, 264, 387 S.E.2d 270, 272 (1990). An appellate court must find the trial court properly submitted a case to the jury [finder of fact] if any direct evidence or any substantial circumstantial evidence reasonably tended to prove the guilt of the accused. *Weston*, 367 S.C. at 292-93, 625 S.E.2d at 648.

ARGUMENT

I. THE TRIAL COURT ERRED BY DENYING APPELLANT'S MOTION FOR A DIRECTED VERDICT OF ACQUITTAL FOR ACCESSORY BEFORE THE FACT TO ARMED ROBBERY AND FOR BURGLARY, FIRST DEGREE, WHERE THE STATE FAILED TO PRESENT SUFFICIENT INDEPENDENT EVIDENCE TO PROVE THE CORPUS DELICTI OF THE CHARGED CRIMES WITH EVIDENCE FROM A SOURCE OTHER THAN APPELLANT'S STATEMENTS.

Law

"A case should be submitted to the jury when the evidence is circumstantial 'if there is any substantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced.'" *State v. Bostick*, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011) (quoting *State v. Mitchell*, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)). "[T]he trial court should grant a directed verdict motion when the evidence presented merely raises a suspicion of guilt." *Id.* at 142, 708 S.E.2d at 778.

"Circumstantial evidence . . . gains its strength from its combination with other evidence, and all the circumstantial evidence presented in a case must be considered together to determine whether it is sufficient to submit to the jury." *State v. Rogers*, 405 S.C. 554, 567, 748 S.E.2d 265, 272 (Ct. App. 2013). "[W]hen the State relies exclusively on circumstantial evidence and a motion for a directed verdict is made, the trial [court] is concerned with the existence or non-existence of evidence, not with its weight." *State v. Pearson*, 415 S.C. 463, 469, 783 S.E.2d 802, 805 (2016).

When considering a directed verdict motion, the trial court must view the evidence in the light most favorable to the State and submit the case to the jury if any substantial evidence "reasonably tends to prove the guilt of the accused" or if any substantial evidence exists "from which his guilt may be fairly and logically deduced." *State v. Bennett*, 415 S.C. 232, 236-37, 781 S.E.2d 352, 354 (2016) (quoting *State v. Littlejohn*, 228 S.C. 324, 329, 89 S.E.2d 924, 926 (1955)).

"[T]he court must concern itself solely with the existence or non-existence of evidence from which a jury could reasonably infer guilt. This objective test is founded upon reasonableness." *Id.* at 237, 781 S.E.2d at 354 (emphasis omitted). "Accordingly, in ruling on a directed verdict motion whe[n] the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt." *Id. See generally In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 1073 (1970) ("Lest there remain any doubt about the constitutional stature of the reasonable-doubt standard, we explicitly hold that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.").

"It is well-settled law that a conviction cannot be had on the extra-judicial confessions of a defendant unless they are corroborated by proof aliunde of the corpus delicti." *State v. Abraham*, 408 S.C. 589, 592, 759 S.E.2d 440, 441 (Ct. App. 2014) (footnote omitted). Stated another way, the State must prove the corpus delicti of the murders with evidence from a source other than a defendant's confessions. "Circumstantial evidence . . . gains its strength from its combination with other evidence, and all the circumstantial evidence presented in a case must be considered together to determine whether it is sufficient to submit to the jury." *State v. Rogers*, 405 S.C. 554, 567, 748 S.E.2d 265, 272 (Ct. App. 2013). "[T]he corroboration rule is satisfied if the State provides sufficient independent evidence which serves to corroborate the defendant's extra-judicial statements and, together with such statements, permits a reasonable belief that the crime occurred." *State v. Osborne*, 335 S.C. 172, 180, 516 S.E.2d 201, 205 (1999).

"A confession in a legal sense is restricted to an acknowledgment of guilt made by a person after an offense has been committed and does not apply to a mere statement or declaration of an

independent fact or facts from which such guilt might be inferred." *State v. Epes*, 209 S.C. 246, 261, 39 S.E.2d 769, 775 (1946). The corroboration rule applies whether a statement amounts to a confession or merely constitutes an admission of essential facts from which guilt might be inferred. *Osborne*, 335 S.C. at 178, 516 S.E.2d at 203-04.

> The need for corroboration extends beyond complete and conscious admission of guilt—a strict confession. Facts admitted that are immaterial as to guilt or innocence need no discussion. But statements of the accused out of court that show essential elements of the crime . . . stand differently. Such admissions have the same possibilities for error as confessions. They, too, must be corroborated.

Id. at 178, 516 S.E.2d at 204 (quoting *Opper v. United States*, 348 U.S. 84, 91, 75 S. Ct. 158 (1954); *see also State v. Saltz*, 346 S.C. 114, 137, 551 S.E.2d 240, 253 (2001) ("The State must produce proof of the corpus delicti from a source other than the out-of-court confession of a defendant.").

A. The Trial Court erroneously denied Appellant's motion for a directed verdict for Accessory before the fact to Armed Robbery where the evidence merely raised a suspicion of guilt, and where the Court incorrectly found Appellant knowingly assisted in the armed robbery.

Section 16-11-330(A) of the South Carolina Code of Laws provides, "A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty".

"Ordinarily, the State convicts a defendant of a crime by proving that he personally committed the criminal act." *State v. Johnson*, 444 S.C. 442, 449, 908 S.E.2d 102, 105-06 (2024) (quoting *State v. Sellers*, 442 S.C. 140, 148, 898 S.E.2d 116, 120 (2024)). "The law of accomplice liability provides, however, that a person may be guilty of a crime even though he did not

personally commit the criminal act." *Id.* at 449, 908 S.E.2d at 106. "The doctrine of accomplice liability arises from the theory that 'the hand of one is the hand of all.'" *State v. Reid*, 408 S.C. 461, 472, 758 S.E.2d 904, 910 (2014) (quoting 23 S.C. Jur. Homicide § 22.1 (2014)).

"Under this theory, one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose." Id. "In a murder case, . . . if two people plan or agree to commit the murder, and both of them are present at the scene of the crime, but only one of them actually shoots and kills the victim, both participants in the plan or agreement are nevertheless guilty of the murder." *Johnson*, 444 S.C. at 449, 908 S.E.2d at 106.

"A person must personally commit the crime or be present at the scene of the crime and intentionally, or through a common design, aid, abet, or assist in the commission of that crime through some overt act to be guilty under a theory of accomplice liability." *Reid*, 408 S.C. at 472-73, 758 S.E.2d at 910. "Mere presence at the scene is not sufficient to establish guilt as an aider or abettor." *State v. Mattison*, 388 S.C. 469, 480, 697 S.E.2d 578, 584 (2010) (quoting *State v. Leonard*, 292 S.C. 133, 137, 355 S.E.2d 270, 272 (1987)).

"[T]he State must present evidence the participant knew of the principal's criminal conduct." *Reid*, 408 S.C. at 473, 758 S.E.2d at 910. "[P]resence at the scene of a crime by pre-arrangement to aid, encourage, or abet in the perpetration of the crime constitutes guilt as a principle." *Mattison*, 388 S.C. at 480, 697 S.E.2d at 584 (quoting *State v. Hill*, 268 S.C. 390, 395-96, 234 S.E.2d 219, 221 (1977)). "If 'a person was present abetting while any act necessary to constitute the offense [was] being performed through another, he could be charged as a principal—even though [that act was] not the whole thing necessary.'" *Reid*, 408 S.C. at 473, 758 S.E.2d at

910 (alterations in original) (emphasis omitted) (quoting *Rosemond v. United States*, 572 U.S. 65, 72, 134 S. Ct. 1240 (2014)).

"Accomplice liability can be proven by circumstantial evidence." *State v. Campbell*, 443 S.C. 182, 193, 904 S.E.2d 441, 446 (2024). "In order to establish the parties agreed to achieve an illegal purpose, thereby establishing presence by pre-arrangement, the State need not prove a formal expressed agreement, but rather can prove the same by circumstantial evidence and the conduct of the parties." *Id.* at 193, 904 S.E.2d at 447 (quoting *State v. Gibson*, 390 S.C. 347, 354, 701 S.E.2d 766, 770 (Ct. App. 2010)).

Discussion

In this case, Trial Court erred by denying Appellant's motion for a directed verdict of acquittal for accessory before the fact to Armed Robbery where the evidence merely raised a suspicion of guilt, and where the State failed to present sufficient independent evidence to prove the corpus delicti of Accessory before the Fact to Armed Robbery with evidence from a source other than Appellant's statements. *See generally Abraham*, 408 S.C. at 592, 759 S.E.2d at 441. The State did not call Cephas or "Q" to testify against Appellant to establish sufficient evidence of Accessory before the fact to Armed Robbery or to corroborate Appellant's statements to police. The State also failed to present substantial circumstantial evidence of the same. Notably, "[m]ere presence at the scene is not sufficient to establish guilt as an aider or abettor." *See generally Mattison*, 388 S.C. at 480, 697 S.E.2d at 584 (quotation citation omitted).

Furthermore, the Trial Court incorrectly found Appellant knowingly assisted in the Armed Robbery. Specifically, as Defense Counsel correctly argued, there is "insufficiency of proof beyond a reasonable doubt that [Appellant] is guilty of Accessory Before the Fact of Armed Robbery" because "the Court articulated that it relied on the fact [Appellant] drove Cephas Cowick

to the crime scene." (R. Post-Trial Motion for a new trial).

In contradiction to Investigator Luce's testimony, Defense Counsel pointed out that, during her police interrogation on July 18 at "the 11:13:27 mark", Appellant stated, "I rode with him [Cephas]." Defense Counsel also noted, Appellant stated at "the 11:15:30 mark", "He was driving" in response to a question about who drove to the crime scene. Notably, Defense Counsel properly argued, "Due to this direct evidence from [Appellant], the Defense asserts the Court erred in relying on the fact [Appellant] drove Cephas Cowick to the crime scene for the guilty verdict of Accessory Before the Fact of Armed Robbery." (R. *).

Therefore, Trial Court erred by denying Appellant's motion for a directed verdict of acquittal for Accessory before the fact to Armed Robbery.

B. The Trial Court erroneously denied Appellant's motion for a directed verdict for Burglary, First Degree, where the evidence merely raised a suspicion of guilt, and where the State failed to meet its burden of proving the specific allegations to obtain a conviction by including a more specific description of Appellant's conduct in the indictment.

Section 16-11-311 of the South Carolina Code of Laws provides,

> (A) A person is guilty of burglary in the first degree if the person enters a dwelling without consent and with intent to commit a crime in the dwelling, and either:
>
> (1) when, in effecting entry or while in the dwelling or in immediate flight, he or another participant in the crime:
>
> (a) is armed with a deadly weapon or explosive; or
>
> (b) causes physical injury to a person who is not a participant in the crime; or
>
> (c) uses or threatens the use of a dangerous instrument; or
>
> (d) displays what is or appears to be a knife, pistol, revolver, rifle, shotgun, machine gun, or other firearm; or

> (2) the burglary is committed by a person with a prior record of two or more convictions for burglary or housebreaking or a combination of both; or
>
> (3) the entering or remaining occurs in the nighttime.

S.C. Code § 16-11-311.

An indictment is a critical document that must state the charged offense with particularity, apprising a defendant of the elements of that offense. *State v. Baker*, 411 S.C. 583, 588-89, 769 S.E.2d 860, 863-64 (2015) (citations omitted). In *Bailey v. State*, 392 S.C. 422, 709 S.E.2d 671 (2011), our Supreme Court found that, "by including a more specific description [of a particular type of child abuse in the indictment], the State undertook the burden of proving the specific allegations to obtain a conviction." (quoting citation omitted). *See State v. Dent*, 446 S.C. 121, 133, 919 S.E.2d 394, 400 (2025) (finding "by choosing to pursue a narrow, specific charge, the State could not seek a conviction under a different and expanded theory of sexual battery.").

Discussion

In this case, Trial Court erred by denying Appellant's motion for a directed verdict of acquittal for Burglary, First Degree, where the evidence merely raised a suspicion of guilt, and where the State failed to present sufficient independent evidence to prove the corpus delicti of Burglary, First Degree, with evidence from a source other than Appellant's statements. *See generally Abraham*, 408 S.C. at 592, 759 S.E.2d at 441. The State did not call Cephas or "Q" to testify against Appellant to establish sufficient evidence of Burglary, First Degree, or to corroborate Appellant's statements to police. The State also failed to present substantial circumstantial evidence of the same. Notably, "[m]ere presence at the scene is not sufficient to establish guilt as an aider or abettor." *See generally Mattison*, 388 S.C. at 480, 697 S.E.2d at 584 (quotation citation omitted).

The Trial Court also erroneously denied Appellant's motion for a directed verdict because the State failed to meet its burden of proving the specific allegations to obtain a conviction by including a more specific description of Appellant's conduct in the indictment. *See Bailey*, 392 S.C. 422, 709 S.E.2d 671. The Burglary, First Degree, indictment alleged, "That [Appellant] did in Darlington County on or about July 17, 2016, along with co-defendant, enter the dwelling of Denise Couplin . . . without consent and with the intent to commit a crime therein and *[Appellant] did so while armed with a pistol*[.]" (R. *) (emphasis added). At the close of the State' case-in-chief, Appellant properly argued that the State failed to present any evidence proving Appellant entered the dwelling "armed with a pistol as charged in the indictment." (Tr. pp. 165–166).

Therefore, the Trial Court erred in denying Appellant's motion for directed verdict of acquittal for Burglary, First Degree.

CONCLUSION

Based on the foregoing reasons, Appellant Katherine Ann Baucom-Cowick respectfully requests that this Court reverse her convictions and sentences and issue an Order of Acquittal for both convictions.

Respectfully submitted,

s/ Dayne Phillips 

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