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**Jun 08 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Charleston County

Honorable Dale E. Van Slambrook, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

ANTHONY PATRICK TAYLOR,

APPELLANT

APPELLATE CASE NO. 2025-000247

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FINAL BRIEF OF APPELLANT

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## **STATEMENT OF ISSUES ON APPEAL**

1. Can an out-of-court statement made by unknown persons under unknown circumstances be nontestimonial as to defeat a Confrontation Clause objection?
2. Were the aliases listed on appellant's "booking report" inadmissible hearsay not within an exception where the records custodian did not testify "a person with knowledge" input the alias information in the report?

## STATEMENT OF THE CASE

On August 7, 2023, appellant Anthony Taylor was indicted by the Charleston County grand jury for attempted murder and possession of a weapon during the commission of a crime of violence. R. 435 – 438. From February 3rd to 5th, 2025, he was tried before Judge Dale Van Slambrook and a jury. R. 1. He was represented at trial by Nicholas D'Angelo and Luke Dalton. R. 1. Liane Kozik and Sara Bozarth prosecuted the case. R. 1.

Ultimately, the jury found appellant guilty of both charges. R. 418, ll. 4-17. The trial court issued concurrent sentences of five and fifteen years. R. 429, ll. 4-15.

This appeal follows.

## STATEMENT OF FACTS

At trial, Debrank Ravenall testified she was in the Ten Mile area of Mount Pleasant on July 21, 2020. R. 44, l. 15 – 45, l. 11. She testified she went to visit Gregory Singleton—also known as Straightjacket—at his house on Gadsdenville Road. R. 45, l. 17 – 46, l. 21. She arrived at his house around 6:00 p.m., and she saw "a lot of guys just hanging out on the porch." R. 47, ll. 4-12. She then testified a man she knew only as "G" or "G5" came to her car. R. 47, ll. 19-25; R. 58, ll. 12-19. She testified she knew the man prior to that day but did not know his actual name. R. 48, ll. 7-9; R. 58, ll. 12-19. Ravenell was never able to identify any of the other people at the house. R. 68, ll. 9-14.

Ravenell testified she gave G ten dollars to give to Singleton, but then G pocketed the money instead. R. 48, ll. 17-22. They started arguing and she threatened to call the police. R. 49, ll. 5-8. She testified G then became violent, pushed her to the ground, headbutted her, tried to steal her car keys, and jumped on top of her car denting the hood and trunk and cracking the windshield. R. 49, l. 22– 52, l. 16. Ravenell backed the car out of the driveway, and G jumped off the car. R. 53, ll. 1-21. As she started to drive away, G fired a gun at the back of her car several times. R. 54, ll. 1-17. Ravenell identified appellant as G at trial. R. 62, ll. 1-10.

State's Exhibit 11 is appellant's "arrest and booking report" from the Sheriff Al Cannon Detention Center. R. 432 – 433. Over appellant's objection, the court admitted the exhibit at trial. R. 298, l. 1 – 299, l. 11. It contains appellant's mug-shot, various demographic information, and several "aliases" purportedly associated with appellant. R. 432 – 433. The state introduced the booking report through Melissa High, a records custodian at the detention center. R. 295, ll. 12-16. All she knew about the report was what it said. She testified she knew what it was because it is "what we usually have that states all their information on it." R. 298, ll.

9-11. She did not personally record the information, she was merely the custodian. R. 295, l. 25 – 296, l. 8; R. 298, ll. 9-11. She testified some of the information on the report "will come in on the rap sheet with the police officer." R. 297, ll. 8-10. She explained: "[S]ay, one of the deputies, you know, hears somebody is calling this person a certain name, he will notify someone . . . that edits the maintenance system and they will enter it." R. 297, ll. 10-16. After the report was admitted, High read the list of aliases to the jury, including the purported "G5" alias. R. 300, ll. 2-5. The trial court admitted the report as a business record exception to the rule against hearsay and because "none of it was testamentary evidence." R. 307, ll. 10-18

Ultimately, officers recovered nine shell casings around the area. R. 90, ll. 6-22. Michele Eichenmiller testified as an expert firearms examiner. R. 284, ll. 2-8. She examined the casings and believed they were all fired from the same weapon. R. 290, ll. 16-25. She believed they were all fired by a gun retrieved from the car appellant was in when he was arrested. R. 290, l. 16 – 291, l. 3; R. 305, ll. 8-15.

Appellant testified at trial he did not shoot at Ravenell and he did not try to kill her. R. 331, l. 18 – 332, l. 4. He testified that Ravenell's story was "fabricated" and not true. R. 332, l. 25 – 333, l. 1; R. 342, ll. 1-3. He explained that although he had been at Singleton's house earlier that day, he left around 5:00 p.m. and never saw Ravenell. R. 333, l. 24 – 334, l. 1. He and a friend left to buy drinks at a nearby gas station, and they returned to Singleton's house only very briefly. R. 334, ll. 3-11. They then left in a blue Suburban for his mother's house. R. 334, ll. 7-14. Appellant was arrested in the Blue Suburban. R. 180, ll. 4-16; R. 182, ll. 1-21. When appellant was arrested, the gunshot residue test performed on his hands returned negative. R. 247, l. 12 – 248, l. 25; R. 275, ll. 2-9.

Appellant also testified that he had owned and carried a gun that day. R. 329, ll. 3-7. He also admitted to firing the gun much earlier in the day, around noon, up into the air. R. 329, l. 21 – 330, l. 19. Critically, appellant testified the gun found in the car—the gun Eichenmiller connected to the shooting—was not his. R. 329, ll. 8-20. He explained that earlier in the day he had lent his gun to a friend. R. 330, ll. 22-25. When the friend later in the day returned a gun to him, appellant did not look closely at it. R. 331, l. 13; R. 339, ll. 4-24. Unknown to him, the guns had been "switched." R. 340, ll. 3-4. The gun he was given turned out to be the gun used in the shooting. R. 336, ll. 1-3. Thus, appellant testified, "someone set me up." R. 332, l. 6.

## **STANDARD OF REVIEW**

### *Confrontation Clause*

Whether statements implicate a defendant's right to confront the witnesses against him "presents a mixed question of law and fact." *State v. English*, 443 S.C. 49, 55, 902 S.E.2d 385, 388 (2024). Thus, appellate courts "will affirm the trial court's factual findings underpinning its legal conclusion if the factual findings are supported by any evidence in the record; however, the legal conclusion—whether [the statement] is testimonial and therefore subject to the Confrontation Clause—is a question of law [appellate courts] review de novo." *English*, 443 S.C. at 56, 902 S.E.2d at 388 (citations omitted).

### *Hearsay*

"The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion." *State v. Odom*, 376 S.C. 330, 334, 656 S.E.2d 748, 750 (Ct. App. 2007) (citing *State v. Gaster*, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002)). "An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law." *State v. Pagan*, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006) (citing *State v. McDonald*, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000)).

## ARGUMENT

### **I. Admission of the aliases violated appellant's right to confront the witnesses against him because the state offered no evidence at all demonstrating who the witnesses were or the circumstances where they provided the purported aliases.**

The Confrontation Clause bars admission of "testimonial evidence" unless the declarant is unavailable and the defendant had a prior opportunity for cross-examination. *Crawford v. Washington*, 541 U.S. 36, 68 (2004); *State v. Brewer*, 438 S.C. 37, 48, 882 S.E.2d 156, 162 (2022) ("Whether the Confrontation Clause applies turns on whether the challenged out-of-court statement is testimonial and applies to witnesses against the accused—in other words, those who bear testimony." (cleaned up) (quoting *State v. Brockmeyer*, 406 S.C. 324, 342, 751 S.E.2d 645, 654 (2013))). Here, there was and could be no suggestion this evidence is admissible if it is testimonial. The declarants are unknown, and appellant had no prior opportunity to cross-examine anyone. Thus, the question presented is whether the purported aliases are testimonial or nontestimonial. See *English*, 443 S.C. at 57, 902 S.E.2d at 389 (describing the "testimonial v. nontestimonial framework" for admissibility under the Confrontation Clause). Because the declarants are entirely unknown, and the state bears the burden of proving admissibility as the proponent of the evidence, the trial court erred by concluding the aliases were nontestimonial.

#### **a. The state bears the burden of proving statements are nontestimonial under the Confrontation Clause before they can be admitted.**

"[T]he government bears the burden of defeating a properly raised Confrontation Clause objection by establishing that its evidence is nontestimonial." *United States v. Foreman*, 84 F.4th 615, 620 (5th Cir. 2023) (citing *United States v. Duron-Caldera*, 737 F.3d 988, 993 (5th Cir. 2013)). Numerous other jurisdictions have similarly held the government bears the burden of overcoming a challenge under the Confrontation Clause. *E.g. Gomez v. State*, 516 P.3d 879, 888 (Alaska Ct. App. 2022) ("As the proponent of the evidence, the State bore the burden of

establishing that C.H.'s statements were non-testimonial."); *State v. Alers*, 123 A.3d 825, 830 (Vt. 2015) ("The State, as the party seeking to introduce the out-of-court statement into evidence, bears the burden of showing that proffered statements are nontestimonial."); *State v. Jones*, 208 N.E.3d 321, 348 (Ohio 2023) ("Once Jones objected to the admissibility of Dumas' out-of-court statements, the state, as the proponent of the evidence, bore the burden of establishing the admissibility of the statements."); see *United States v. Arnold*, 486 F.3d 177, 192 (6th Cir. 2007) (holding "the government has met its burden of proving" the challenged statements "were nontestimonial").

This Court should hold the state bears the burden of proving a statement was nontestimonial (or otherwise complies with the Confrontation Clause) because "the proponent of the evidence has the burden of proving the existence of such a preliminary fact." *State v. Green*, 440 S.C. 292, 303, 890 S.E.2d 761, 767 (2023) (citing Rule 104(b), SCRE). Here, in the face of an objection under the Confrontation Clause, these aliases are admissible only if they were nontestimonial. Their admissibility depends on the "preliminary fact" of being nontestimonial, and thus the state was required to satisfy the trial court by a preponderance of the evidence that they were nontestimonial. Cf. *Green*, 440 S.C. at 304, 890 S.E.2d at 768 (holding that when a defendant objects under *Doyle v. Ohio*, 426 U.S. 610, 619 (1976), "the burden is on the State to prove by a preponderance of the evidence that the defendant did not receive *Miranda* warnings prior to his silence").

**b. The trial court erred because the state did not demonstrate the aliases were nontestimonial as there was no evidence at all about who made the original statement or the circumstances of the statement.**

Here, the state did not know—and offered no evidence to demonstrate—where the purported aliases on the booking report originated. The records custodian testified "some of the information" in the report is given to them by the person being arrested. R. 297, ll. 4-8. She also

clarified: "And other information, it will come in on the rap sheet with the police officer. . . . [S]ay, one of the deputies, you know, hears somebody calling this person a certain name, he will notify someone . . . that edits the maintenance system and they will enter it." R. 297, ll. 8-13. She did not know where these aliases—or any of the information in the report—specifically came from.

While the trial court noted the information "could have been provided by the defendant," R. 307, ll. 11-17, it is pure speculation to conclude they in fact were. The records custodian did not perform the intake for appellant, and she did not testify he informed her of these purported aliases. Appellant did not admit these are his aliases. There is no information in the record *at all* demonstrating where these purported aliases came from. They could have come from appellant; they could have come from officers who saw appellant respond to the name. They could have come from a police interrogation which was then put in the police database that generated the booking report. Most importantly, if the information came from such an interrogation, or any other number of circumstances, those statements and the purported aliases were testimonial. *Crawford*, 541 U.S. at 51 (identifying "custodial examinations" as one category of testimonial statements). Without demonstrating the source of the purported aliases, there was no factual basis on which the trial court could determine they were nontestimonial.

Whether statements are testimonial depends on the "primary purpose" of the statement. *Brewer*, 438 S.C. at 48, 882 S.E.2d at 162. "[W]here the primary purpose of an out-of-court statement is to serve as evidence or 'an out-of-court substitute for trial testimony,' the statement is considered testimonial." *Brewer*, 438 S.C. at 48-49, 882 S.E.2d at 162 (quoting *Brockmeyer*, 406 S.C. at 343, 751 S.E.2d at 655). The test considers "not the subjective or actual purpose of the individuals involved in a particular encounter, but rather the purpose that reasonable

participants would have had, as ascertained from the individuals' statements and actions and the circumstances in which the encounter occurred." *English*, 443 S.C. at 58, 902 S.E.2d at 390 (quoting *Michigan v. Bryant*, 562 U.S. 344, 360 (2011)). Because the statement failed to identify the "individuals' statements and actions and the circumstances in which the encounter occurred," the state did not and could not demonstrate the statements had a nontestimonial primary purpose. The state failed to meet its burden of proof, and the trial court erred by overruling the objection.

**II. The aliases were hearsay inadmissible under the "regularly conducted activity" exception because there was no evidence they were put in the booking report by "a person with knowledge."**

First, the booking report is hearsay: it is an out-of-court-statement entered for the truth of the matter asserted. Rule 801, SCRE. It was entered to prove appellant's identity as "G" or "G5," so the state asked High to read the purported aliases to the jury. That is the truth of the matter asserted, and thus if it was to be admitted it had to meet an exception to the rule against hearsay. The trial court admitted the evidence "as part of the records that are recorded in the ordinary course of business . . . ." R. 307, ll. 11-13. That exception allows the admission of:

A . . . report . . . of acts, events, conditions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the . . . report . . . , all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness; provided, however, that subjective opinions and judgments found in business records are not admissible.

Rule 803(6), SCRE. Melissa High testified she is the relevant records custodian, that the booking report was kept in the ordinary course of business, and that it is the regular practice of the detention center to create the report when people are booked after arrest. R. 295, l. 15 – 297, l. 3; R. 298, ll. 12-18. Appellant has no quarrel with any of those requirements of Rule 803(6).

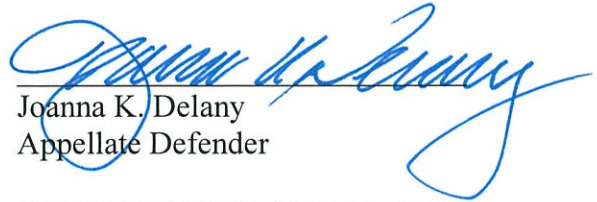
However, the rule requires the acts or events recorded to be "made at or near the time by, or from information transmitted by, *a person with knowledge*." That is one of the requirements of the Rule, "all" of which must be "shown by the testimony of the custodian." Rule 803(6), SCRE; *see also Ex parte Dep't of Health & Env't Control*, 350 S.C. 243, 249, 565 S.E.2d 293, 297 (2002) (identifying the necessary elements for admission under the business record exception, including that the record was "prepared by someone with or from information transmitted by a person with knowledge"). High did not and could not testify that the aliases were entered into the report by "a person with knowledge" because, as explained above, she could not testify where the information came from. Thus, the trial court erred by overruling appellant's hearsay objection. *See 22 Corpus Juris, Evidence* § 174 (1920) ("It follows naturally from the rule that a witness cannot testify as to what he heard other persons say, that he will not be permitted to testify to facts where his knowledge thereof is derived from the unsworn statements of others . . . . (footnote omitted)).

The trial court also erred because the aliases within the report are still hearsay. Rule 803(6) allows for the admission of the booking report in the abstract, but not everything within the report is itself automatically admissible. The statements within the report must still comply with the hearsay rules: "Hearsay within hearsay is admissible if each level of hearsay satisfies an exception to the hearsay rule." *State v. Hendricks*, 408 S.C. 525, 530, 759 S.E.2d 434, 437 (Ct. App. 2014) (citing Rule 805, SCRE). For all the trial court knew, the aliases were all collected from some police database based on uncorroborated reports from unknown police officers during unknown investigations involving unknown people. There is absolutely no basis from which to determine the purported aliases are from a trustworthy source when the source is unknown. High was not "a person with knowledge" herself, and she did not know who created or transmitted the

information. Therefore, the trial court's ruling "lack[ed] evidentiary support" and was an abuse of discretion. *State v. Pagan*, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006) (citing *State v. McDonald*, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000)).

**CONCLUSION**

For the reasons stated above, appellant respectfully requests this Court reverse his convictions and remand the case for a new trial.



Joanna K. Delany  
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ATTORNEY FOR APPELLANT

This 8th day of June, 2026.

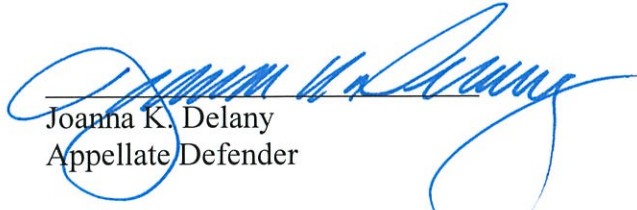
**CERTIFICATE OF COUNSEL**

The undersigned certifies that to the best of my ability this Final 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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This 8th day of June, 2026.