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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Jessica A Salvini, Circuit Court Judge
Honorable Christopher D. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SHARHONDA NICOLE JENKINS,

APPELLANT

APPELLATE CASE NO. 2025-001563

ANDERS BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred in refusing to direct a verdict of acquittal on the count of
forgery?

STATEMENT OF THE CASE

A Greenville County grand jury indicted Appellant for forgery, value greater than \$10,000, and obtaining goods under false pretenses. R. 399-402. The case was tried from June 11-13, 2025, before the Honorable Christopher D. Taylor¹ and a jury. R. 1. Retained counsel Joseph G. Armstrong represented Appellant; assistant solicitors Ashton Tuck Scott and Andrew P. Miller represented the state. R. 1. The jury convicted Appellant as indicted. R. 373. Judge Taylor sentenced Appellant to three years' imprisonment for forgery and time served for false pretenses. R. 383-84.

This appeal follows.

¹ Judge Taylor was sitting with the Honorable Jessica A. Salvini. R. 1.

STANDARD OF REVIEW

When reviewing a trial court's ruling on a motion for directed verdict, this Court "must view the evidence and all reasonable inferences in the light most favorable to the state." *State v. Hepburn*, 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013) (*quoting State v. Cherry*, 361 S.C. 588, 594, 606 S.E.2d 475, 478 (2004)). This Court reviews the evidence using the same standard used by the trial court; if there is not "any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused," this Court must reverse. *See id.*

ARGUMENT

The trial court erred in refusing to direct a verdict of acquittal on the count of forgery.

Relevant facts

The state alleged at trial that Appellant forged a deed to real property and filed that forged deed in an effort to collect “Section Eight”² rent from the property. The property was located at A Ridgeway Drive in Greenville.³ R. 100, l. 1. In 2007, the home in question was sold to Erol Moliere for \$28,000.00. R. 385-88. On June 18, 2014, Willie Mae Moliere became Erol Moliere’s power of attorney. R. 389-92. On October 10, 2018, a quitclaim deed was recorded purporting to evidence the sale of the property by Erol to Darrell Freeman for \$2,500.00. R. 393-94. The person who filed the October 10, 2018 quitclaim deed was identified as Darrell Freeman. R. 118, ll. 1-2. On January 31, 2020, another quitclaim deed was recorded purporting to evidence the sale of the property by Darrell Freeman to Larry Williams for \$4,553.79. R. 395-97.

Appellant’s sister Brittaney Williams testified that Appellant came to her house in 2018 with some papers that looked like deeds. R. 74, ll. 7-18. Appellant told Williams “our family came into some houses.” R. 75, ll. 15-17. Williams later told police that Appellant had told her the properties were up for grabs if her relative paid the property taxes on them. R. 79, ll. 4-6. The property in question was in the name of her and Appellant’s uncle, Darrell Freeman, at the time. R. 81, ll. 23-25. Williams testified at trial that her statements to police were untrue and that a

² “Section Eight housing” is often used as shorthand for low-income, government-subsidized housing. It is named for Section Eight of the United States Housing Act of 1937. Pub. L. 75-896, 50 Stat. 888 (1937).

³ Pursuant to the Supreme Court’s April 25, 2014 Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings, a redacted identifier has been used in place of the home address in question. Undersigned counsel submits a Form 21 Confidential List of Redacted Identifiers contemporaneously with this pleading.

man named UA Thompson coached her on what to say, which she said to try to get Darrell Freeman out of legal trouble. TR. 91, ll. 8-16.

Barry Downs, whose notary stamp appeared on the quitclaim deeds in State's Exhibits 5 and 6 (R. 393-97), testified that he never notarizes property deeds and that he had never seen either deed before. R. 141, l. 25 – 142, l. 7; 144, ll. 7-12. Willie Mae Moliere testified that Appellant and her boyfriend, Chad Chapman, rented the property from Erol. R. 158, ll. 16-18, 25. She testified that she never sold a property to Darrell Freeman. R. 162, ll. 9-10. She further testified that she did not sign the quitclaim deed in State's Exhibit 5 (R. 393-94), and neither did Erol. R. 162, ll. 17-21.

Darrell Freeman testified that he neither purchased the property nor sold it to Larry Williams. R. 183, ll. 18-21; 184, ll. 3-5. He took the deeds to be recorded, but he believed he was helping Appellant pay property taxes. R. 186, ll. 4-16.

Sherika Robinson was the housing choice voucher director for the Greenville Housing Authority. R. 198, ll. 19-21. She testified that Larry Williams submitted a change of landlord form for the subject property. R. 203, ll. 1-6; 398. Based on the forms submitted by Larry Williams, the Greenville Housing Authority paid \$1,100 of rent per month to a checking account in his name for a little bit more than a year. R. 213, ll. 1-8. The state later produced evidence of Appellant making an ATM withdrawal from the same checking account. R. 234, ll. 2-17. This was despite the fact that only one debit card was ever issued to that checking account, which should have been issued to Williams and not to Appellant. R. 234, ll. 22-23.

Larry Williams testified that he was the owner of the subject property and that he had purchased the property from Darrell Freeman in cash. R. 251, ll. 2-16; 252, ll. 23-25. He testified that Appellant was currently living in the property and that Appellant was managing the property

for him. R. 251, ll. 2-16; 256, ll. 23-24. However, he testified that he was not aware that the property was collecting rent and that he never received any of the rental income. R. 257, ll. 10-18.

Investigator Elliott Turner testified that Willie Mae Moliere originally reported problems with the title to the property in November 2018. R. 260, ll. 7-9. As a result of that report, police obtained an arrest warrant for Darrell Freeman. R. 262, ll. 16-19. UA Thompson arranged for Freeman to come to the police station and give an interview, in exchange for the police not serving their warrants that day. R. 263, ll. 6-9. A few days before that meeting, Appellant came to the police station unannounced and sought to speak with investigator Turner. R. 263, ll. 21-23. Appellant told Turner that she was Willie Mae Moliere's daughter and that Willie Mae had fabricated all the documents she had submitted to the police. R. 264, ll. 7-11. Appellant also told Turner that she did not believe the deed was forged and that was just something that Willie Mae had made up. R. 264, ll. 16-18. In June 2023, Appellant changed her address in the Department of Motor Vehicles system to the subject property. R. 271, ll. 14-18.

The state also called a handwriting expert who testified that it was likely that Barry Downs did not sign the notary lines of the quitclaim deeds and that Willie Mae Moliere did not sign the deed. R. 284, ll. 6-12. After this witness, the state rested. R. 288.

Defense counsel moved for directed verdict. R. 288. Defense counsel argued that during the state's entire case there was no evidence presented that Appellant had forged the deeds or directed someone to forge the deeds. R. 288, ll. 18-22. The state responded that there was an abundance of evidence that the deeds were forged and that Darrell Freeman testified that he was sent to the register of deeds with the forged deeds and that Appellant had been the one who sent him there. R. 289, ll. 1-11. Therefore, there was sufficient evidence that Appellant had

“procur[ed]” the forgery to submit the forgery count to the jury. R. 289, l. 5. The trial court agreed with the state and denied the motion. R. 290, ll. 3-12.

After slightly more than four hours of deliberation and requesting to be recharged on both forgery and false pretenses, the jury returned guilty verdicts on both counts. R. 364; 372-73. For forgery, Judge Taylor sentenced Appellant to three years’ imprisonment. R. 383, ll. 24-25.

Discussion

The state presented insufficient evidence to prove that Appellant either forged the quitclaim deeds or caused the quitclaim deeds to be forged. Therefore, the trial court should have directed a verdict on that count. Appellant’s conviction should be reversed.

The trial court “shall direct a verdict in the defendant’s favor on any offense charged in the indictment after the evidence on either side is closed, if there is a failure of competent evidence tending to prove the charge in the indictment.” Rule 19(a), SCRCrimP. The trial court should direct a verdict if there is no direct evidence or substantial circumstantial evidence proving guilt. *State v. Weston*, 367 S.C. 279, 292-93, 625 S.E.2d 641, 648 (2006). The trial court should direct a verdict of acquittal where the evidence merely rises to the level of suspicion that the defendant is guilty. *State v. Arnold*, 361 S.C. 386, 390, 605 S.E.2d 529, 531 (2004).

The statutory definition of forgery is as follows:

(A) It is unlawful for a person to:

- (1) Falsely make, forge, or counterfeit; cause or procure to be falsely made, forged, or counterfeited; or willfully act or assist in the false making, forging, or counterfeiting of any writing or instrument of writing;
- (2) Utter or publish as true any false, forged, or counterfeited writing or instrument of writing;
- (3) Falsely make, forge, counterfeit, alter, change, deface, or erase; or cause or procure to be falsely made, forged,

counterfeited, altered, changed, defaced, or erased any record or plat of land; or
(4) Willingly act or assist in any of the premises, with an intention to defraud any person.

S.C. Code Ann. § 16-13-10(A). Forgery is “a false making of an instrument, on its face purporting to be good and valid, with a design to defraud, prejudice, or damage another.” *State v. Lee-Grigg*, 374 S.C. 388, 400, 649 S.E.2d 41, 47 (Ct. App. 2007) (*citing, inter alia, State v. Floyd*, 36 S.C.L. (5 Strob.) 58 (S.C. App. L. 1850)). Forgery has three elements: “(1) a false making or material alteration of some written instrument; (2) that is the apparent foundation of some legal liability; and (3) that is uttered or published with the intent to defraud or prejudice another.” *Id.* at 400-01, 649 S.E.2d at 48.

Here, by the state’s admission, there was no evidence that Appellant *herself* forged the document. The state asserted that there was evidence that Appellant “procur[ed]” the forgery of the document by sending Darrell Freeman to register a forged deed with the register of deeds. This does not meet the statutory definition of forgery.

As shown above, there are four ways to commit the offense of forgery: (1) forge a document or cause it to be forged; (2) publish as true a forged document; (3) forge a record or plat of land or cause the same to be done; or (4) willfully act or assist in any of the foregoing. *See* S.C. Code Ann. § 16-13-10(A). The first and third alternate elements contain the qualifying language “or cause or procure.” *See id.* “Procure” means “to obtain (something) by particular care and effort.” *Procure*, *Merriam-Webster* (11th ed. 2003); *see Estate of Nicholson ex. Rel. Nicholson v. S.C. Dept. of Health and Human Svs.*, 377 S.C. 590, 596, 660 S.E.2d 303, 305 (Ct. App. 2008) (“Where a word is not defined in a statute, our appellate courts have looked to the usual dictionary meaning to supply its meaning.”). The verb form of “cause” means “to serve as a cause or occasion of.” *Cause*, *Merriam-Webster* (11th ed. 2003). The second and fourth

alternative elements do not contain the same qualifying language. *See* S.C. Code Ann. § 16-13-10(A) (2, 4). Therefore, applying regular canons of statutory interpretation, the General Assembly intended for forgery to be committed by *either*: (1) forging or causing to be forged a written instrument; *or* (2) *personally* uttering or publishing as true a forged document. *See Hodges v. Rainey*, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) (explaining the canon of “*expressio unius est exclusion alterius*” or “to express or include one thing implies the exclusion of the other.”).

In this case, however, the evidence does not bear that out. The state did not prove that Appellant herself forged or ordered someone to forge the quitclaim deed. Had such evidence been presented, it would have arguably fallen under §§ (A)(1) or (A)(3). Rather, the state presented some evidence that Appellant caused her uncle to file a forged deed. Had Appellant filed the allegedly forged deed herself, that personal action would have arguably fallen under § (A)(2). However, this is neither forging nor causing a document to be forged nor is it “utter[ing] or publish[ing] as true” a forged document. S.C. Code Ann. § 16-13-10(A)(2). The statute is violated by *either* causing or procuring a document to be forged or *personally* publishing a forged document as true. The state presented no evidence that Appellant did either. Accordingly, the trial court should have directed a verdict on the forgery count.

CONCLUSION

For the foregoing reasons, Appellant's conviction and sentence for forgery should be reversed.



W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of June, 2026.

STATE OF SOUTH CAROLINA
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APPELLATE CASE NO. 2025-001563

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Sharhonda Jenkins states:

1. He is Appellate Defender 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 Jessica A Salvini, which was held on June 11-13, 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 Sharhonda Jenkins.

Respectfully Submitted,



W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

This 18th day of June, 2026.

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SC Court of Appeals

CERTIFICATE OF COUNSEL

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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This 18th day of June, 2026.