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Jun 25 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHN TUFTON BLAUVELT,

APPELLANT

APPELLATE CASE NO. 2025-000315

FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

1. Did the trial court err denying defense motion to suppress a journal seized after Appellant's arrest where his girlfriend did not have actual or apparent authority sufficient to consent to the search of Appellant's closed bag thus the warrantless search was made in violation of Appellant's Fourth Amendment rights?

2. Did the trial court err admitting State's exhibit 31, a graphic photograph of decedent's body, over defense objection where pursuant to Rule 403, SCRE the photograph was unduly prejudicial and had minimal probative value because the photograph no longer reflected the condition the body was found in as it had been manipulated by emergency workers?

STATEMENT OF THE CASE

On June 27, 2023, a Greenville County grand jury indicted Appellant for murder and possession of a weapon during a violent crime. R. 803. On September 12, 2024, the Honorable G.D. Morgan, Jr., heard pretrial motions. R. 1. Appellant was represented by Paul Neely, Anastasia Walker, and Madison Johnston. R. 1. Assistant attorney generals, Kinli Abee and John Meadors, appeared for the State. R. 1.

On September 16-20, 2024, Appellant's case was called for trial before Judge Morgan and a jury. R. 1. The same attorneys appeared for both parties. R. 1. At the conclusion of trial, the jury found Appellant guilty as indicted. R. 773, l. 21—774, l. 4. Judge Morgan sentenced Appellant to life without the possibility of parole. R. 802, ll. 6-12.

This appeal follows.

STATEMENT OF FACTS

Appellant and Cati Blauvelt (Decedent) met and began dating in 2014. R. 129, l. 23. The couple got married on December 7, 2015, and lived together in Fountain Inn, South Carolina. R. 130, ll. 7-14; 132, ll. 18-23. By March 2016, they separated, and Cati eventually moved out of their home and into her mother's Simpsonville home. R. 132, l. 24—133, l. 11. On October 25, 2016, Cati's mother, Patricia Piver, reported Cati missing because she had not returned home after work the previous day and was not answering her calls or text messages. R. 136, l. 9—137, l. 23. The following day Cati's body was found by Wayne Roper and his friend Ricky at an abandoned house located in Simpsonville, South Carolina.¹ R. 138, ll. 6-9; 346, l. 2—348, l. 3.

Appellant spoke with law enforcement on the day Decedent's body was found. R. 529, ll. 11-19. Law enforcement collected Appellant's DNA, cellular phone, and vehicle pursuant to search warrants. R. 529, l. 25—530, l. 15. Appellant voluntarily spoke to law enforcement for a second time on November 2, 2016. R. 529, ll. 20-24. Days after that interview Appellant and his girlfriend, Hannah Thompson, went on a road trip ending up in Oregon. R. 530, ll. 16-18. Hannah returned to South Carolina in December 2016 and spoke with law enforcement several times; her version of events changed as the years went on. R. 244, ll. 15-21; 242, l. 8—250, l. 18; 253, ll. 2-254, l. 20.

Appellant was arrested in Medford, Oregon in July 2022 and transported back to South Carolina. R. 676, ll. 17—677, l. 6. Appellant was charged with murder and possession of a weapon during the commission of a violent crime. Indictments. Hannah was charged with accessory after the fact, misprison of a felon, and obstruction of justice. R. 220, ll. 1-6.

Hannah Thompson and Appellant were romantically involved after his separation from

¹ Multiple witnesses, including Wayne, testified that they used to frequent this property to drink and do drugs as a group. R. 146, ll. 18-25; 341, l. 20—342, l. 13; 589, ll. 2-9.

Decedent. Hannah testified for the State at Appellant's trial. R. 145—262. Hannah made many claims during her lengthy testimony. She alleged Appellant joked about killing Decedent leading up to her death. R. 161, l. 13—163, l. 13; 166, l. 22—167, l. 3. Hannah testified she and Appellant moved Decedent's car to a lot and removed the tag from the car after the murder. R. 180, l. 5—182, l. 15. Hannah further alleged that although he initially denied any involvement, Appellant fully confessed that he murdered Decedent during their drive to Oregon. R. 193, l. 17-194, l. 18; 205, l. 20—206, l. 25.

ARGUMENT

1. The trial court erred denying defense motion to suppress a journal seized after Appellant's arrest where his girlfriend did not have authority sufficient to consent to the search of Appellant's closed bag thus the warrantless search was made in violation of Appellant's Fourth Amendment rights.

Standard of review

In *State v. Frasier*, the South Carolina Supreme Court clarified its standard of review for cases involving an appeal from a motion to suppress based on Fourth Amendment grounds. 437 S.C. 625, 879 S.E.2d 762 (2022). In *Frasier* the Court explained due to the “dawn of the technological age, appellate courts are no longer dependent on the trial court” when the appellate court reviews the evidence. *Id.*, at 633–34, 879 S.E.2d at 766. Accordingly, the Court held “appellate review of a motion to suppress based on the Fourth Amendment involves a two-step analysis. *Id.* This dual inquiry means [the appellate court] review[s] the trial court’s factual findings for any evidentiary support, but the ultimate legal conclusion ... is a question of law subject to de novo review.” *Id.*

Relevant facts

During pretrial motions, defense counsel moved to suppress a journal seized at the time of Appellant’s arrest arguing the warrantless seizure was violative of the Fourth Amendment. R. 2—4; R. 10—71. Counsel explained a journal was found in the property of Appellant when he was arrested on July 20, 2022. After his arrest his home was searched without a warrant and a journal was found in a zipped bag belonging to Appellant. Instead of getting a search warrant, officers asked Appellant’s girlfriend, Stephanie Green, for consent to search. R. 10, ll. 2-20.

The State called arresting officer, U.S. Marshal, Chris Tamayo, to testify regarding the search. R. 14—38. Tamayo testified when they arrested Appellant, he was at his home alone working in the yard. R. 17, l. 10—18, l. 9. Appellant was taken in custody and Tamayo stayed behind and waited for Ms. Green because he wanted to speak with her. R. 22, ll. 17-22. Ms. Green arrived an hour later, and Tamayo recorded their conversation, court's exhibit 3. R. 23, l. 1---25, l. 7. Tamayo testified, and the recording reflects Ms. Green consented to Tamayo's request to search Appellant's bag that was in the rafters of their detached garage. R. 25, ll. 19-24; 31, ll. 6-13; court's exhibit 3. A journal was found in Appellant's bag and collected as evidence. R. 30, ll. 9-16.

Tamayo stated that Appellant and Ms. Green had been in a relationship for around six and years lived together. R. 37, ll. 6-21. He believed the house where Appellant resided with Ms. Green was owned by her. R. 31, ll. 1-5. Tamayo agreed that during the recording of his conversation with Ms. Green another officer entered and stated Appellant had mentioned a bag of his personal belongings at the residence. R. 37, ll. 22-25. Ms. Green told Tamayo Appellant kept everything in the bag. R. 38, ll. 2-19. Tamayo stated Ms. Green gave consent to search their garage and the bag belonging to Appellant. R. 31, ll. 6-13.

Tamayo collected the bag and contents on July 20, 2022. Six days later, July 26, he turned it over to deputies from Jackson County. He testified the bag stayed in the lock box in his vehicle during those six days. R. 26, l. 22—28, l. 10. Simpsonville Investigator Cheryl Schofield testified when she received the bag there was no “official chain of custody form” with it. She received the bag from Jared Conroy another U.S. Marshal. R. 39, l. 20—40, l. 24.

The State argued this was a third-party consent case and because Appellant did not have “ownership rights” in the home, he had no standing. He argued further, Ms. Green consented

and therefore the search was lawful. The State contended Ms. Green could consent to the search of the bag because she owned it. R. 42, l. 5—43, l. 21.

Defense counsel contended Appellant lived in the home and certainly had standing. Counsel clarified Ms. Green acknowledged during the recording the bag and contents of the bag were Appellant's property. R. 50, l. 18—51, l. 22. He specified the closed bag was solely Appellant's property as made clear by Ms. Green in the recording. Counsel asserted there was no "common authority" for Green to consent to the search of the bag belonging to Appellant. Thus, the consent obtained by Tamayo was not valid. R. 44, l. 1—46, l. 14. Counsel concluded the warrantless search of Appellant's bag was "per se unconstitutional" and asked the journal be suppressed. R. 46, l. 11—47, l. 15.

Additionally, counsel argued there were chain of custody issues because there was no way to account for the condition of the bag or the journal for the days it was with Tamayo and when the journal was recovered by local authorities there were missing pages. R. 55, ll. 4-15.

The trial court ruled Ms. Green's consent was valid because the bag was in the garage of her home and therefore the journal was admissible. Regarding chain of custody, the court found it was met. R. 69, l. 4—71, l. 20.

Over defense counsel's objection, attorney for the State mentioned the journal during opening statements and read from the contents, "the girl was evil to me. She treated me like dirt and took everything from me, including you. I'm sorry that I had to do it - - - to do that, but there was no other way for me - - there was no other way for me. Sorry babe, I love you." R. 98, ll. 1-9.

During Tamayo's testimony, the journal, State's exhibit 2, was admitted over objection. R. 119, ll. 1-8. During Hannah Thompson's testimony she read into evidence selected portions

of the journal over defense counsel's objection. R. 211—214. During Investigator Cheryl Schofield's testimony, she testified that capitalized letters on one of the pages spelled out "I did it." R. 680, l. 24—681, l. 12.

Attorney for the State concluded their closing argument by reading the following excerpts from the journal:

December 22nd, 2016, going to keep going, wish I could talk to you again. I fucking miss you. I love you so much, Hannah. No matter what they say, I'm sorry I got you involved. I was being selfish. I know if I told you the truth, you wouldn't have done shit. Hopefully, I kept you safe. That wasn't Scott's car, baby. I'm so sorry. I love you. That was really selfish. Hopefully, your life goes back to normal really soon. I just saw myself on the news at the hotel. So I guess I'm not welcome here anymore. Should probably leave, but it's warm here and my phone is charging. I don't know anymore. I still don't think I did anything wrong. I'm going to have to die out here. I'm not going to jail.

December 2016, a letter to his daughter, Madison. At the end, some day I hope you understand why I did it. That girl was evil to me. She treated me like dirt and took everything from me, including you. I'm sorry that I had to do that, but there was no other way for me. Sorry bud, I love you. Finally, an entry about Investigator Morecraft with capitalized letter at the end, I did it.

R. 743—744.

Discussion

The journal obtained from a warrantless search should have been suppressed. Stephanie Green's consent was invalid to allow officers to search Appellant's bag.

"The Fourth Amendment prohibits unreasonable searches and seizures and provides that a warrant may not be issued without probable cause, but the text of the Fourth Amendment does not specify when a search warrant must be obtained. *Fernandez v. California*, 571 U.S. 292, 298, 134 S. Ct. 1126, 1131–32, 188 L. Ed. 2d 25 (2014). Our cases establish that a warrant is generally required for a search of a home, *Brigham City v. Stuart*, 547 U.S. 398, 403, 126 S.Ct.

1943, 164 L.Ed.2d 650 (2006), but “the ultimate touchstone of the Fourth Amendment is ‘reasonableness,’” *ibid.*; see also *Michigan v. Fisher*, 558 U.S. 45, 47 (2009) (*per curiam*). *Id.* However, “certain categories of permissible warrantless searches have long been recognized.” *Id.*

Consent searches are among these categories. *Id.* “Consent searches are part of the standard investigatory techniques of law enforcement agencies” and are “a constitutionally permissible and wholly legitimate aspect of effective police activity.” *Schneckloth v. Bustamonte*, 412 U.S. 218, 228, 231–232 (1973).

“The test of whether a third party has sufficient status to consent to a search is whether the third party possesses common authority over or has some other sufficient relationship to the premises or effects searched.” *State v. Laux*, 344 S.C. 374, 376–77, 544 S.E.2d 276, 277 (2001); citing *U.S. v. Matlock*, 415 U.S. 164 (1974); *State v. Middleton*, 266 S.C. 251, 258–259, 222 S.E.2d 763, 766 (1976). Common authority is defined as mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable for law enforcement to believe the person granting consent has the authority to do so. *Matlock*, 415 U.S. at 171, note 7. Accord *State v. Cannon*, 336 S.C. 335, 520 S.E.2d 317 (1999)(noting that any person with an equal right to use or occupy property may consent to its search).

“Whether an individual has actual authority to consent to a search is not, however, necessarily dispositive.” *State v. Laux*, 344 S.C. 374, 376–77, 544 S.E.2d 276, 277 (2001). In *Illinois v. Rodriguez*, 497 U.S. 177 (1990), the United States Supreme Court held consent to search may be valid if based upon apparent authority. *Id.* The Court stated, “determinations of consent to enter must be judged against an objective standard: would the facts available to the officer at the moment ... warrant a man of reasonable caution in the belief that the consenting

party had authority over the premises?” 497 U.S. at 188. *See also United States v. Whitfield*, 939 F.2d 1071, 1074 (D.C.Cir.1991); *State v. Williams*, 101 Ohio App.3d 340, 655 N.E.2d 764 (1995) (finding *Rodriguez* applicable to situations in which an officer would have had valid consent to search if the facts were as he reasonably believed them to be).

Officers admittedly knew about the bag from Appellant before he was taken in custody and did not ask his consent to search. Instead, they waited until he was unavailable and asked the consent of a person unable to give it. Ms. Green admitted the bag was not hers, thus she had no actual authority to consent to its search. Ms. Green went as far as to say she had never seen the contents of the bag, including the journal. Neither did she have apparent authority as the officers knew that the bag belonged solely to Appellant, and it was not reasonable for them to believe she could consent to the search of Appellant’s personal effects. The journal should have been suppressed as it was obtained from a warrantless search in violation of the Fourth Amendment.

2. The trial court erred admitting State’s exhibit 31, a graphic photograph of decedent’s body, over defense objection where pursuant to Rule 403, SCRE the photograph was unduly prejudicial and had minimal probative value because the photograph no longer reflected the condition the body was found in as it had been manipulated by emergency workers.

Standard of review

The admission of evidence is within the trial court's discretion and will not be reversed on appeal absent an abuse of that discretion. *State v. Dickerson*, 395 S.C. 101, 116, 716 S.E.2d 895, 903 (2011). “A trial court has particularly wide discretion in ruling on Rule 403 objections.” *State v. Lee*, 399 S.C. 521, 527, 732 S.E.2d 225, 228 (Ct.App.2012); see also *State v. Dial*, 405 S.C. 247, 260, 746 S.E.2d 495, 502 (Ct. App. 2013) (“A trial judge's decision regarding the

comparative probative value and prejudicial effect of relevant evidence should be reversed only in exceptional circumstances.” (citation omitted)). In exercising its discretion on a Rule 403 objection to the admissibility of autopsy photographs, the trial court “must balance the [unfair prejudice] of graphic photos against their probative value.” *Dial*, 405 S.C. at 260, 746 S.E.2d at 502 (citation omitted).

Relevant facts

Defense counsel argued a portion of a video the State intended to offer showing Decedent’s body being found should be excluded because it was “unduly prejudicial” and would “inflame the passions of the jury” leading to a decision based on emotions rather than the evidence in the case. R. 263, ll. 15-25. Additionally, counsel argued it was cumulative where the forensic pathologist would testify regarding the nature of the injuries that resulted in death. Counsel asserted the manner of death was not at issue. The sole issue at trial was whether Appellant killed her. Additionally, the condition of the body was not probative as to the sole issue at trial, which was who killed Decedent. R. 264, ll. 1-7.

The State argued they should be allowed to show the portion of the video to show malice and “prove the condition of her body” and that Decedent was “in fact, killed.” The State asserted the purpose of the evidence was to establish the crime scene and the way the body was found. R. 264, l. 9—265, l. 23. They further contended the evidence was corroborative and again stated they needed the evidence to show malice. The prosecutor offered, instead of the video, a photograph of the body at the scene. R. 266, ll. 3-16.

Defense counsel responded neither the video nor photograph showed the body as it was *originally* found and asserted the body and scene had been manipulated. He further argued that whether it was the video or photograph, his objection remained the same. R. 268, ll. 4-12; 268, l.

25—269, l. 21.

The trial court ruled the photograph was relevant and probative as to malice and was admissible. R. 272, ll. 14-23. The court further ruled the photograph was not unfairly prejudicial. R. 273, ll. 1-4. During forensic technician, Chelsie Wills', testimony, the court admitted State's exhibit 31, photograph of Decedent, over defense counsel's objection. R. 286, ll. 3-12; 287, ll. 9-19.

Discussion

The erroneous admission of this photograph at trial suggested a decision on an improper basis. The State's evidence of Appellant's guilt was all circumstantial consisting of Hannah Thompson's ever-changing version of events, shaky DNA evidence, and the entries from the journal discussed above. This graphic photograph was not probative as to any fact at issue.

"Photographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are irrelevant or unnecessary to substantiate material facts or conditions." *State v. Torres*, 390 S.C. 618, 623, 703 S.E.2d 226, 228 (2010) (citing *State v. Brazell*, 325 S.C. 65, 78, 480 S.E.2d 64, 72 (1997)). Rule 403 of the South Carolina Rules of Evidence provides that even relevant evidence "may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice." Photographs are unfairly prejudicial when they have a "tendency to suggest a decision on an improper basis, commonly, though not necessarily, an emotional one." *Id.* (citing *State v. Franklin*, 318 S.C. 47, 55, 456 S.E.2d 357, 361 (1995)).

In *State v. Holder*, 382 S.C. 278, 676 S.E.2d 690 (2009), the defendant was convicted of homicide by child abuse for the death of her minor child. *Id.* at 281, 676 S.E.2d at 692. On appeal, Holder argued the trial court erred in admitting autopsy photographs showing the child's internal injuries. *Id.* at 290, 676 S.E.2d at 697. Holder's unconscious child was taken to the

hospital and personnel were told that he had fallen off an All-Terrain Vehicle (ATV) earlier in the week. *Id.* at 281, 676 S.E.2d at 692. The child was pronounced dead at the hospital after unsuccessful efforts to resuscitate. *Id.* At trial the pathologist testified that the contested autopsy photographs would help him in “demonstrating the anatomic relationships and the disruption of those anatomic relationships” because the jury might not have knowledge of internal anatomy. *Id.* at 290, 676 S.E.2d at 697.

This case is distinct from *Holder*, where the Court held that the admission of the child victim autopsy photographs was not an abuse of discretion. *Id.* at 280, 676 S.E.2d at 691. In *Holder*, the Court noted that the pathologist testified regarding all the ways, in which the photographs would aid in “demonstrating the anatomic relationships” because of the jury’s “lack of knowledge of internal anatomy.” *Id.* at 290, 676 S.E.2d at 697. The Court found that the photographs demonstrated the extent and nature of the injuries in a way that would not be as easily understood based on testimony alone. *Id.*

Here, the fatal injuries were stab wounds. This type of injury is not outside the realm of understanding for most jurors and thus this photograph was not needed for the jury to understand the manner of death. Additionally, the manner of death was not at issue in this case, only the identity of the person who caused the death was at issue.

This case is also distinct from cases where our courts have found the photographs did not inflame the jury and were not prejudicial. In *State v. Brazell*, 325 S.C. 65, 480 S.E.2d 64 (1997), the Court held three photographs of the victim’s body at the crime scene were properly admitted. In that case, the photographs were not close-ups and accurately reflected the scene of the crime. Here, the photograph of Decedent at the scene did not accurately reflect the scene of the crime. Defense counsel argued the body had been manipulated by emergency workers to put in “life

saving supporting modules” in order to confirm she was dead. R. 268, ll. 4-12. This photograph depicts Decedent naked. While somewhat covered by blankets and other items, you can see Decedent’s exposed lower breast and a portion of her pelvic area.

In *State v. Collins*, 409 S.C. 524, 763 S.E.2d 22 (2014), autopsy photographs of a child who had been killed by defendant’s dog were admitted. In that case, the Court found that the trial court did not abuse its discretion in admitting the photographs because the photographs were highly probative, corroborative, and material in establishing the elements of the offenses charged.” *Collins*, 409 at 535, 763 at 28. *Collins* is distinct from the case at hand because state’s exhibit 31 was not necessary to substantiate a material fact or condition. The issue at trial was whether Appellant killed Decedent, not the way she died.

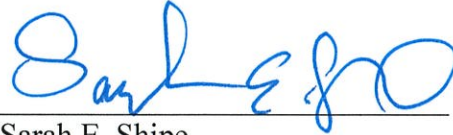
State’s exhibit 31 depicts Decent nearly naked and the erroneous admission of this photograph at trial created “an undue tendency to suggest a decision on an improper basis.” See *State v. Jackson*, 364 S.C. 329, 334, 613 S.E.2d 374, 376 (2005) (quoting *State v. Alexander*, 303 S.C. 377, 382, 401 S.E.2d 146, 149 (1991)). The trial court abused its discretion by admitting State’s exhibit 31, photograph of Decedent, because it was completely unnecessary and only served to create an emotional response in the jurors.

Recently in *State v. Nelson*, the South Carolina Supreme Court held the probative value of gruesome autopsy photographs was substantially outweighed by the danger of unfair prejudice in the guilt phase of trial. 440 S.C. 413, 891 S.E.2d 508 (2023). This case is similar to *Nelson* where the manner of death was not at issue making the photographs minimally probative. It is also similar in that the State argued it required this evidence to show malice. However, as in *Nelson*, the manner of death, stabbing, and testimony regarding the way the body was found were ample evidence that Decedent was killed with malice. The State in this case chose not to

heed the warnings of the cases above and took it too far by using State's exhibit 31, photograph of Decedent's body.

CONCLUSION

By reason of the foregoing arguments, Appellant respectfully requests this Court reverse his convictions and sentence, and remand his case to the Greenville County Court of General Sessions.



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Appellate Defender

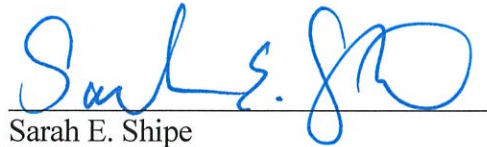
ATTORNEY FOR APPELLANT

This 25th 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.”

June 25, 2026



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