

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable Christopher D. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DONTRELL HENRY RUFUS,

APPELLANT

APPELLATE CASE NO. 2025-001901

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the court erred in ordering Appellant to wear leg shackles, where shackling was not justified, but the court improperly deferred to law enforcement's blanket policy that all defendants wear leg shackles during trial, since shackles, which are inherently prejudicial, are only permissible in the presence of a special need?

STATEMENT OF THE CASE

During the November term of 2020, a Richland County Grand Jury indicted Dontrell Rufus, Appellant, for two counts of murder and for first-degree burglary. R. *(indictments all pages). Appellant was tried before the Honorable Christopher D. Taylor and a jury, from September 8 – 11, 2025. Megan Eigenbrot, Caroline McAtee and Laura Young represented Appellant. Dan Goldberg, Nicolas Fowler and Gabrielle Sharp prosecuted the case. Tr. 1. Appellant was convicted as indicted. Tr. 603, l. 19 – 604, l. 6. He was sentenced to life imprisonment for each offense, with sentences to run concurrently. Tr. 627, l. 15 – 628, l. 3.

This appeal follows.

STANDARD OF REVIEW

“In criminal cases, the appellate court sits to review errors of law only and is bound by factual findings of the trial court unless an abuse of discretion is shown.” *State v. Hawes*, 411 S.C. 188, 190, 767 S.E.2d 707, 708 (2015) (citations omitted). “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. Hatcher*, 392 S.C. 86, 91, 708 S.E.2d 750, 753 (2011). “Whether a defendant is restrained during trial is within the trial judge’s discretion.” *State v. Tucker*, 320 S.C. 206, 209, 464 S.E.2d 105, 107 (1995). *See State v. Heyward*, 441 S.C. 484, 494, 895 S.E.2d 658, 663 (2023) (trial court’s failure to assess whether shackles were necessary or to ensure the jury could not see them was an abuse of discretion).

ARGUMENT

The court erred in ordering Appellant to wear leg shackles, where shackling was not justified but the court improperly deferred to law enforcement's blanket policy that all defendants wear leg shackles during trial, since shackles, which are inherently prejudicial, are only permissible in the presence of a special need.

Relevant facts

On the evening of April 20, 2020, Kiara Richbow (Decedent 1) and her grandmother, Sarah Richbow (Decedent 2), were shot and killed in their home in the Lower Richland area of Richland County. Tr. 150, ll. 13-22; Tr. 160, l. 4 – 165, l. 18; Tr. 171, l. 15 – 179, l. 22; Tr. 369, ll. 21-25; Tr. 377, ll. 14-17; Tr. 384, ll. 21-23. Appellant and Decedent 1 had a prior romantic relationship, and they had two young children. Tr. 195, l. 22 – 197, l. 15; Tr. 209, l. 12 – 211, l. 8. Appellant had a remodeling and property management business, and Decedent 1 continued to work for the business after they broke up. Tr. 433, l. 17 – 434, l. 11. Appellant and Decedent 1 continued to have an on-again, off-again sexual relationship. Tr. 433, ll. 14-20.

Appellant had been calling Decedent 1 repeatedly that day. That evening, Decedent 1 was at home entertaining her new boyfriend. Appellant pulled up, parked out front and would not leave. Decedent 1 contacted Appellant's nearby cousin, Perticia Byrd (Byrd), to "come and get" Appellant. Tr. 186, l. 1 – 187, l. 2; Tr. 135, l. 13 – 138, l. 15; Tr. 184, l. 14 – 187, l. 24. Byrd testified at trial that Appellant insisted Decedent 1 had called him over there, and he was angry and had a gun. Tr. 138, ll. 13-25; Tr. 139, ll. 17-18; Tr. 140, ll. 10-12. According to Byrd, Appellant threatened to shoot Byrd but stated he wanted to see his kids and would leave after he saw his kids. Tr. 138, l. 24 – 143, l. 9.

Byrd spoke with Decedent 1 and Decedent 1 agreed to let Appellant see the children. Tr. 144, l. 21 – 145, 6. According to Byrd, Decedent 1 began to open the door but closed it when Appellant ran up the steps. Tr. 145, ll. 8-17. Byrd claimed Decedent 1 subsequently opened the door just enough to hand the youngest child to Byrd, whereupon Appellant “rushed past” Byrd into the house and Byrd heard a gunshot. Byrd had the child in her arms and ran to safety. Tr. 145, l. 23 – 147, l. 25. When Byrd came back shortly thereafter, Appellant’s truck was gone and Decedent 1 had been shot just inside the front door. Tr. 148, l. 1 – 149, l. 22. In a bedroom at the back of the house, Decedent 2, who had been on her bed watching television, had also been shot. Tr. 150, ll. 7-22; Tr. 219, l. 20 – 220, l. 19.

First responders arrived. Tr. 160, l. 16 – 165, l. 23. Decedent 1 had been shot twice in the head, with one of the bullets first going through her wrist; a circumstance which the pathologist opined indicated a defensive wound. Tr. 369, l. 21 – 370, l. 3; Tr. 377, l. 22 – 384, l. 23. Decedent 2 had been shot once in the head. Tr. 372, l. 1 – 377, l. 17. Ny’Asia Scott (Scott), Decedent 1’s cousin, testified there had been “tension over seeing the kids” between Appellant and Decedent 1 prior to the shooting. Tr. 196, ll. 16-20; Tr. 210, ll. 7-16. Scott had been on the telephone with Decedent 1 that night and stated she could hear Appellant banging on the door and yelling in the background. Tr. 214, ll. 4-21. According to Decedent 1’s sister, Alexis Richbow (Richbow), she was on the telephone with her grandmother, Decedent 2, that night when Decedent 2 stated: “call the police,” screamed and stated that Appellant was there with a gun. Richbow heard a shot and the phone call “dropped.” Tr. 215, ll. 21-23; Tr. 219, l. 5 – 220, l. 19.

About an hour later, Appellant showed up at the house of a woman he had been seeing, Brittany Bing (Bing). Tr. 227, l. 16 – 230, l. 20. Bing would agree there had been tension

between Appellant and Decedent 1 over the kids. Tr. 243, ll. 12-25. According to Bing, Appellant appeared intoxicated that night and he wanted to be driven to Florida. They got in the car and Appellant kept “black[ing] out” or falling asleep. Tr. 230, l. 24 – 233, l. 23. Bing ultimately did not take Appellant to Florida but she did take him to a hotel in the Lake Murray Boulevard area. Tr. 232, l. 1 – 236, l. 12. At the hotel, Appellant gave Bing a bag and told her to get rid of it. Bing did not get rid of the bag: her father handed it over to law enforcement. The bag contained Appellant’s clothing and the gun. Decedent 1’s blood was on the gun and the clothes. Expert testimony showed the projectiles retrieved during the decedents’ autopsies were fired from the gun. Tr. 238, l. 4 – 242, l. 14; Tr. 254, l. 19 – 258, l. 11; Tr. 262, l. 8 – 266, l. 4; Tr. 344, l. 13 – 346, l. 11; Tr. 389, ll. 3-19; Tr. 392, l. 2 – 396, l. 18.

Appellant testified he had three shots of liquor earlier in the day with several acquaintances. Appellant stated that after he took the last shot, he began to feel “weird.” Tr. 428, l. 17 – Tr. 432, l. 10. Appellant testified he did not remember anything after that until he woke up naked and disoriented in a strange truck in the Broad River Road area the next morning. Tr. 428, ll. 17-19; Tr. 431, l. 19 – 432, l. 10; Tr. 435, l. 19 – 437, l. 12. Appellant stated he suspected someone had drugged him the prior evening. Tr. 440, l. 21 – 441, l. 4. He testified he had not consumed enough alcohol to cause a blackout and had not taken any drugs intentionally. Tr. 441, ll. 10-12; Tr. 444, ll. 12-17; Tr. 476, ll. 6-8. One of the men with whom Appellant had been drinking, Andre Lewis (Lewis), testified he had seen one of the other men with “X pills” while they were hanging out and drinking that afternoon. Tr. 511, l. 21 – 512, l. 24. Lewis also stated he suspected Appellant’s drink had been “spike[d].” Tr. 514, l. 17 – 515, l. 5. The jury was charged on involuntary intoxication. Tr. 597, ll. 10-22.

Appellant was in leg shackles at trial. Defense counsel moved pretrial that Appellant not be required to wear shackles while in the presence of the jury. Counsel noted the shackles restricted Appellant's movement and ability to communicate with counsel, would be visible to the jury pool when it was seated behind the parties in the gallery, would be visible during voir dire and jury selection when the jurors came to the front of the courtroom, and would prevent Appellant from walking to the witness box when he testified. Tr. 23, l. 2 – 25, l. 19. "If he's wearing shackles, then we have to put him in the [witness] box first and then bring the jury out, calling attention to the fact that he's being treated differently than every other witness who has come into the courtroom, and thereby eliminating sort of the presumption of innocence." Tr. 25, ll. 20-25. The defense proposed other alternatives which would not be visible or audible to the jury yet would permit him to walk to the stand, such as a stun belt, if the court found restraints necessary. Tr. 26, ll. 1-7. Defense counsel noted Appellant had been detained pretrial with "zero disciplinaries" and there had been nothing specified to show Appellant was a danger. Tr. 24, ll. 19-24. Counsel argued the shackling in these circumstances violated Appellant's rights to due process and a fair trial. Tr. 26, ll. 8-14.

The solicitor stated his position was to "defer" to whatever "policies [courthouse security] have in place standard and whatnot." Tr. 26, ll. 17-24. Courthouse law enforcement officers were present and told the judge their policy was to keep on leg shackles at a minimum. Tr. 27, l. 15 – 28, l. 9. The solicitor then added that while whether a defendant had one hand free during trial was discretionary, there was "no debate" about the requirement for leg shackles. Tr. 28, ll. 10-14.

Defense counsel noted the matter was in the court's discretion, not law enforcement's discretion, and argued the State had not shown Appellant needed to be shackled. Tr. 28, l. 18 –

29, l. 10. Nevertheless, the court ruled the shackles would remain. Tr. 29, l. 21 – 30, l. 7. The court stated it would have Appellant remain seated during voir dire so the shackles would not be heard. Tr. 30, ll. 1-4. The court did not identify any justification for its decision. Additionally, no one disputed defense counsel’s assertion that the shackles would be visible to the jury pool when it was seated behind the parties in the gallery prior to selection, or her position that the shackles would be visible when the jurors walked to the front of the courtroom during the process. Tr. 23, ll. 16-18; Tr. 23, ll. 21-22.

After the State rested and Appellant stated he wished to testify, defense counsel renewed her motion to remove the shackles so that Appellant could walk to the witness stand and be sworn before the jury like any other witness. Tr. 424, ll. 1-13. The court stated that security was its primary concern, the court “now” understood Appellant had a prior conviction for second-degree assault and battery and had fled the scene, and the court asked if there was a gun or ammunition in evidence. Tr. 424, l. 18 – 425, l. 8. Defense counsel stated there were additional deputies present for this portion of the trial and even consented to a deputy standing “next to” Appellant as an alternative. Tr. 425, l. 9 – 426, l. 17. The court denied the motion. Appellant was already seated in the witness box when the jury returned, and the court instructed the jury Appellant had already been sworn. Tr. 426, l. 18 – 428, l. 12. As seen, Appellant was convicted as indicted.

Discussion

The presumption of innocence “is a basic component of a fair trial under our system of criminal justice.” *Estelle v. Williams*, 425 U.S. 501, 503 (1976). “Visible shackling undermines the presumption of innocence and the related fairness of the factfinding process.” *Deck v. Missouri*, 544 U.S. 622, 630 (2005). Shackling is an “unmistakable indication[] of the need to

separate a defendant from the community at large[.]” *Holbrook v. Flynn*, 475 U.S. 560, 568-69 (1986). The Supreme Court has explained that in addition to undermining the presumption of innocence, the use of physical restraints “diminishes” the right to counsel. *Deck v. Missouri*, 544 U.S. at 631. The Court explained this is because shackles can interfere with an accused’s ability to communicate with his lawyer and participate in his own defense, and because shackles tend to confuse and embarrass an accused’s mental faculties. *Id.*

“The law has long forbidden routine use of visible shackles during [a jury trial]; it permits a State to shackle a criminal defendant only in the presence of a special need.” *Deck*, 544 U.S. at 626. “[G]iven their prejudicial effect, due process does not permit the use of visible restraints if the trial court has not taken account of the circumstances of the particular case.” *Id.*, 544 U.S. at 632. “[T]he Fifth and Fourteenth Amendments prohibit the use of physical restraints visible to the jury absent a trial court determination, in the exercise of its discretion, that they are justified by a state interest specific to a particular trial.” *Deck*, 544 U.S. at 629. “Such a determination may of course take into account the factors that courts have traditionally relied on in gauging potential security problems and the risk of escape at trial.” *Id.* A court may, in the exercise of its discretion,

take account of special circumstances, including security concerns, that may call for shackling. In so doing, it accommodates the important need to protect the courtroom and its occupants. But **any such determination must be case specific; that is to say, it should reflect particular concerns, say, special security needs or escape risks, related to the defendant on trial.**

Deck, 544 U.S. at 633 (emphasis added). The trial court must “s[ee] the matter as one calling for discretion.” *Id.*, 544 U.S. at 634.

“This careful balancing of the competing interests—and articulation of the balancing on the record for the benefit of appellate courts—is necessary to honor the defendant’s due process

rights whenever the State seeks to restrain the defendant in the jury's presence.” *State v. Heyward*, 441 S.C. 484, 493, 895 S.E.2d 658, 663 (2023). A criminal defendant “may not be required to wear handcuffs, *leg shackles*, or other restraints in the presence of the jury unless the trial court makes specific findings on the record as to the particular reasons the restraints are necessary.” *Id.* (emphasis added). “If the court finds restraints are necessary, it must make every reasonable effort to ensure the restraints are not visible to the jury.” *Id.*

The court's ruling in this case was error. The court deferred to law enforcement's policy of always requiring leg shackles without articulating any reasons to justify Appellant's shackling. Instead, as the solicitor admitted, the removal of leg shackles simply did not seem to be “up for debate” in a Richland County criminal trial. Case law confirms that this has been the standard operating procedure there for some time. *See Reese v. State*, 441 S.C. 392, 405 & n. 8, 894 S.E.2d 295, 302 & n. 8 (Ct. App. 2023) (where both codefendants in Richland County trial were shackled, the defendant's counsel testified he understood “that that was the protocol that they could have on civilian clothes, but they were going to be shackled while they were in custody”); *State v. Heyward*, 441 S.C. at 491, 895 S.E.2d at 662 (where counsel moved the defendant's visible shackles be removed in Richland County trial, the court simply denied the motion). The court abused its discretion when it required Appellant to remain shackled absent a specific justification for the restraints. *Deck*, 544 U.S. at 629; *Heyward*, 441 S.C. at 493, 895 S.E.2d at 663; U.S. Const. amend. V; U.S. Const. amend. VI; U.S. Const. amend. XIV.

Although the court later provided reasons Appellant should be shackled during his testimony, it was not aware of those facts when it made its earlier ruling—there was no support for the court's pre-trial decision regarding shackling which resulted in the shackles being visible during voir dire and jury selection. Moreover, the court referenced a gun being in evidence in its

later ruling regarding shackling. Although there was a gun in evidence, it had been disassembled and was in a box. Tr. 265, l. 9 – 266, l. 14; Tr. 396, ll. 9-11. Even if it had been assembled, *leg* shackles would not prevent someone from grabbing a gun with his hands. This post hoc rationalization was insufficient to justify Appellant’s shackling during his testimony.¹

If the court found at either point that Appellant presented a physical threat (something the court did not state for the record despite the requirement it articulate and balance such findings on the record, *Heyward*, 441 S.C. at 493, 895 S.E.2d at 663), the defense proposed reasonable alternatives to shackling. A stun belt, which would not have been visible or audible to a jury, would not have restricted Appellant’s movements, and would have permitted him to walk to the witness stand and be sworn before the jury like the State’s witnesses. *See* 23A C.J.S. Criminal Procedure and Rights of Accused § 1638 (2023) (stun belt is prisoner restraint placed around defendant’s midsection, generally worn so it is not readily visible to jury; when activated it delivers high-voltage electric shock throughout defendant’s body). In the alternative, the defense consented to a deputy standing nearby. The court should have explored alternatives.

“[S]hackling is ‘inherently prejudicial.’” *Deck v. Missouri*, 544 U.S. at 635 (quoting *Holbrook v. Flynn*, 475 U.S. at 568). “[W]here a court, without adequate justification, orders the defendant to wear shackles that will be seen by the jury, the defendant need not demonstrate actual prejudice to make out a due process violation. The State must prove beyond a reasonable doubt that the shackling error complained of did not contribute to the verdict obtained.” *Deck*, 544 U.S. at 635 (cleaned up). The prosecution meets that standard “by conclusively proving [the defendant’s] guilt with other overwhelming evidence such that no other rational conclusion could

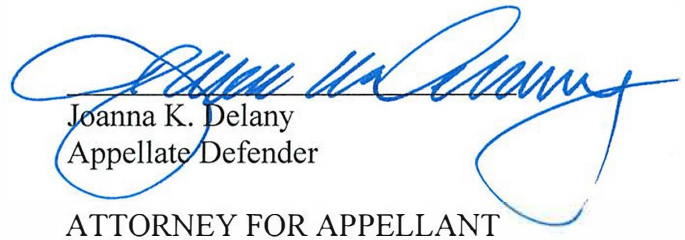
¹ As to the remaining reasons stated by the court in its later ruling, assault and battery in the second degree is a misdemeanor and Appellant was apprehended the day after these offenses in Columbia. S.C. Code Ann. § 16-3-600(D)(2).

be reached except that he is guilty of each crime.” *State v. Heyward*, 441 S.C. at 506, 895 S.E.2d at 670.

No one disputed defense counsel’s position the shackles would be visible to the jurors when the jurors were seated behind the parties in the gallery during voir dire and when the jurors subsequently walked to the front of the courtroom. Appellant was shackled and the jury was present. *See Deck*, 544 U.S. at 635 (“where a court, without adequate justification, orders the defendant to wear shackles that *will be seen* by the jury, the defendant need not demonstrate actual prejudice to make out a due process violation”). Although Appellant submits the court’s later decision, wherein the court ordered he remain shackled for his testimony and placed its reasoning on the record, was also error, the shackles were not visible to the jury during Appellant’s testimony. They were visible during voir dire and jury selection by dint of the court’s earlier, unsupported ruling. Therefore, even if this Court were to find the trial court did not abuse its discretion in its subsequent ruling that Appellant be shackled during his testimony (since it stated its justifications on the record as regards that decision), Appellant was prejudiced by the court’s unsupported, pretrial decision that he wear shackles, as that is when they were visible. The State had made no showing of specifics requiring shackles pre-trial. Intent was at issue in the case. Appellant presented a defense and the jury was charged on involuntary intoxication. There was no overwhelming evidence of guilt. This Court should reverse. *Deck*, 544 U.S. at 635; *Heyward*, 441 S.C. at 506, 895 S.E.2d at 670.

CONCLUSION

Based on the foregoing argument, Appellant respectfully requests this Court reverse his convictions and sentences and remand for a new trial.



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This 29th day of July, 2026.