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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM JASPER COUNTY
Honorable Robert J. Bonds, Circuit Court Judge

Published Opinion No. 6152 (S.C. Ct. App. filed July 1, 2026).
Appellate Case No. 2022-001213

THE STATE, PETITIONER

v.

BRIAN JAMEL REDDING,RESPONDENT.

PETITION FOR WRIT OF CERTIORARI

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WHY CERTIORARI SHOULD BE GRANTED

The Court of Appeals abandoned the standard of review appropriate for the review of a denial of directed verdict and essentially viewed the evidence in the light most favorable to Redding by (1) improperly reviewing the State's evidence in an overly reductive manner, thereby isolating the significance of certain pieces of evidence from the rest of the State's case; (2) improperly weighing Redding's alibi defense against the State's evidence; and (3) improperly assessing Redding's defense as a factual matter in a manner not supported by the record.

STATEMENT OF THE CASE

During their June 2021 term, a Jasper County grand jury indicted Respondent Brian Jamel Redding for murder and possession of a weapon during the commission of a violent crime. (App. 878–881). Redding proceeded to a jury trial before the Honorable Robert J. Bonds from August 15–19, 2022. Redding was represented by Carolyn Carmody, Esq. while Assistant Solicitor Hunter Swanson represented the State. (App. 1). At the end of trial, the jury found Redding guilty as indicted. (App. 858). Judge Bonds sentenced Redding to a term of 48-years imprisonment for murder and five years concurrent for the weapons offense. (App. 877).

Redding appealed, and briefing was finalized in early 2024. (App. 888–907). On July 1, 2025, the Court of Appeals issued a published opinion reversing without oral argument, finding that the trial court erred in denying Redding’s motion for directed verdict. (App. 930–938; *State v. Redding*, Op. No. 6152 (S.C. Ct. App. filed July 1, 2026)). The State petitioned for rehearing on July 13, 2026. (App. 939–953). By order dated July 21, 2026, the Court of Appeals denied the State’s petition for rehearing. (App. 954). This petition for writ of certiorari follows.

STATEMENT OF FACTS

On September 6, 2020, a 911 call came into the Jasper County Emergency Services reporting a female at the Forest Motel in Ridgeland was unresponsive and had a gunshot wound to the head. The caller identified himself as Brian Redding. Officer Christopher Warren of the Ridgeland Police Department was dispatched to the Forest Motel, and he entered the room where the caller indicated the female was located. He testified he found a white female sitting up on the bed but slumped over. She had a gunshot wound to her head and was unresponsive. (App. 40–52; State’s Ex. 4 (Photo)). Officer Warren testified that Redding was inside the room sitting on the bed with a cellphone in his hand. There were no signs of a struggle, and no firearm was located. However, there was a single shell casing on the floor. Redding appeared upset and was “making crying sounds,” but Warren testified he never saw any tears on Redding’s face. (App. 53–54, 63–64).

Jasper County Sheriff’s Deputy John Croft testified he was a criminal investigator with the Ridgeland Police Department in September 2020, and he was called to the Forest Motel on a report of a suspicious death. He determined Redding rented the room where the Victim was located, and they lived there together. He performed a gunshot residue kit on Redding, and Redding gave him Victim’s cellphone. The decision was made to request assistance from SLED and after the SLED crime scene team arrived, Deputy Croft started canvassing the other motel rooms to see if anyone had any information. He also obtained a hotel manifest and spoke with the motel owner. (App. 99–103, 105–107, 136–137).

Victim’s sister Desiree testified she “hung out” with Redding and Victim one time, but she was not allowed to after that one time. She went into Victim’s room one time when Redding was not there, and he came home while she was there. She testified Redding “just stared at [Victim]”

and “slammed the door when he got upstairs.” Desiree also testified she saw a “pretty blue” or “turquoise” gun in the motel room approximately one month before the Victim was killed. (App. 235–237, 240). Another of Victim’s sisters, Taylor, testified she had concerns about Victim’s relationship with Redding and advised her to “get away” from Redding because it was not a good relationship. She also testified Victim was always welcome in her home, but Redding was not. She stated she knew Redding had an aqua or teal colored gun that she saw in the car when Victim and Redding were sitting in the car outside her mother’s house. On the day Victim was killed, Taylor was on her way back from Florida when she received a call from Victim’s phone. Redding was calling, and all he kept saying was “she’s unresponsive.” When Redding would not say anything else, Taylor hung up and called her husband to ask him to go over to the motel and find out what was happening. She then called Redding back for more information, and Redding “proceeded to tell me what he did that morning” before he told her Victim had been shot in the head. (App. 250–256, 259, 263–264).

Whitney testified she grew up with Victim and they were very close. She stated Victim was always cheerful and outgoing, but Victim’s personality changed after she started dating Redding and she was never out around town and stopped communicating with Whitney. Whitney testified she never met Redding. On the one occasion when Whitney and her sister visited Victim at the Forest Motel, Victim opened the door a crack to see who was there before inviting Whitney and her sister inside and then locked the door after they entered the room. Redding was not there, but Victim kept mentioning when Redding was expected to return and Whitney got the impression she and her sister needed to leave before Redding returned. (App. 288–293).

Taniya testified she was friends with Victim from fifth grade until she died. She hung out with Victim and Redding after they started dating. She witnessed Victim upset by the relationship

with Redding and saw Redding was controlling with Victim. She saw Redding with a turquoise/blue gun when she was visiting Victim at the Forest Motel, and Victim posted videos on social media, ostensibly on Snapchat, of her holding the blue gun. Taniya also saw Redding with a silver gun. When Taniya visited Victim at the Forest Motel, Victim would let her in if it was a planned visit, but would not let her inside if she arrived unannounced. Victim would not come outside, but would text Taniya to just leave. Taniya testified that Victim always locked the room door, and she was not the type to answer the door for strangers. Taniya stated she saw the Victim with the gun about a week and a half before Victim's death. (App. 303–319).

Another sister, Paige, testified she saw Victim regularly in the month before Victim's death, and she and her boyfriend hung out with Victim and Redding in Paige's room. Paige also went to see Victim at the Forest Motel and Victim always had the door locked and checked to see who was at the door before she opened it. When she was with Redding and Victim, Paige saw Redding exhibiting controlling behavior toward the Victim and saw her cry as a result of Redding's actions. Paige testified she saw Redding with a turquoise 9mm gun several times, and she even gave him a grip for it. She also saw Victim with the gun one time. The last time she saw the blue gun was a couple of days before the Victim's death. (App. 320–331).

A firearms expert testified that the single bullet casing recovered from the crime scene was consistent with a 9mm caliber firearm. The casing measurements and other information were entered into a database of manufacturers that make firearms with those specifications, and the manufacturer was identified as SCCY. The expert testified the bullet *could have only come* from a SCCY 9mm firearm. She further testified SCCY manufactures teal colored 9mm firearms. (App. 352–363).

SLED agent Katie McCallister testified that she responded to a reported homicide scene in Ridgeland on September 6, 2020. After she arrived at the scene, she consulted with the crime scene investigators and conducted numerous interviews, but no one reported witnessing the shooting or hearing a gunshot. They investigated and ruled out many individuals whose names came up in the investigation, and the investigation eventually focused on Redding. During the investigation, law enforcement obtained a convenience store surveillance video from the day of the murder. According to the video, Redding stopped at the store at 6:33 AM that morning and was wearing a black shirt with a Batman emblem on the front. Redding was present when Agent McCallister arrived at the crime scene, but he was wearing a red t-shirt at that time. Even though Redding reported he had touched Victim on the head and arms, and there was blood around Victim's head, Redding did not have any blood on him. Investigators also seized and examined multiple cellphones, including two belonging to Redding and one that belonged to the Victim. In the course of searching Victim's cellphone, Agent McCallister found a Facebook post of a video showing Redding holding a blue or turquoise firearm. (App. 374–384, 397).

The pathologist who performed Victim's autopsy testified there was a contact gunshot wound to Victim's head that went through her skull and brain then exited the back of her head. She was unable to determine the time of death because the autopsy was performed a couple of days after the murder, but stated in her report that the time of death was 9:00 AM because that was the time provided to her by the Jasper County Coroner's Office. The pathologist determined that the manner of death was homicide. (App. 442–459). A SLED trace analysis expert testified she analyzed gunshot residue kits from Victim, Redding and the shorts Redding was wearing the day of the murder. There was no gunshot residue on Redding's hands, but there was gunshot residue on the right front of Redding's shorts. (App. 460–478).

A SLED DNA expert testified she processed buccal swaps from Redding and Victim and developed DNA profiles for comparison purposes. She found DNA on the single 9mm cartridge casing from the motel floor that matched Victim's profile but excluded Redding. She also analyzed swabs of suspected blood from the crime scene, including the door, and the exterior and interior door handles of the room. She determined the swab from the exterior door handle presumptive tested for blood and contained Victim's DNA and DNA from Redding's bloodline. Analysis of the blood swab from the room's interior door handle indicated both Redding and Victim contributed to the mixture of DNA found on the door handle. Swabs from the interior of the door presumptively tested for blood and contained Victim's DNA. Analysis of fingernail scrapings from the Victim contained only Victim's DNA. (App. 480–499).

Redding presented an expert in digital forensic cellular communications data, who testified regarding where Redding's cellphones were located at certain times on September 6, 2020, as reflected by cell tower data. He created a map showing a timeline from 6:14 to 9:36 AM on that date, and the proximity of Redding's cellphones to various cell towers during that time. (App. 543–574). The expert also analyzed and prepared a timeline of data from Victim's cellphone. He testified that the Twitter application was used on Victim's phone at 6:09 AM. At 6:16 AM, a picture file was created via the Facebook application. The next activity on Victim's phone was at 8:09 AM, and a Twitter application entry datapoint at 8:12 AM. (App. 574–580). Redding's cellphone data showed his cellphone was in the vicinity of the Forest Motel until 6:16 AM and again between 8:06 and 8:27 AM—approximately 20 minutes. (App. 561, 569–570).

On cross-examination, the expert admitted there were no voice calls made by Victim's phone until 9:53 AM which was after Redding placed the 911 call. He also admitted that the cell tower data and phone extraction data only show a phone was in use the morning of the murder,

and do not indicate who shot Victim and when. (App. 580–585). Redding presented testimony from various witnesses about their interactions with Redding the morning of the murder, including the Forest Motel owner, the 911 dispatcher, Redding’s cousin, his uncle, and his mother. Redding’s mother testified about a container of Redding’s belongings his uncle brought to her house after Redding’s arrest which purportedly contained a Batman t-shirt. Redding also presented evidence alluding to possible third-party guilt. (App. 588–655). Notably, as discussed further below, Redding’s own forensic data regarding his cell phones contradicted his alibi.

Redding testified about his relationship with the Victim and stated he loved her. He then testified in detail about his movements on the morning of the murder. (App. 702–762). As discussed further below, Redding’s account was subjected to intense cross-examination.

STANDARD OF REVIEW

When reviewing the denial of directed verdict, “the court must concern itself solely with the existence or non-existence of evidence from which a jury could reasonably infer guilt.” *State v. Bennett*, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016). “When reviewing a denial of a directed verdict, this Court must view the evidence and all reasonable inferences in the light most favorable to the state.” *State v. Cherry*, 361 S.C. 588, 593, 606 S.E.2d 475, 478 (2004)) (citing *State v. Burdette*, 335 S.C. 34, 46, 515 S.E.2d 525, 531 (1999)). “[W]hen the defendant presents testimony, he loses the right to have the court review the sufficiency of the evidence based on the state’s evidence alone.” *State v. Harry*, 321 S.C. 273, 277, 468 S.E.2d 76, 79 (Ct. App. 1996).

ARGUMENT

Surviving a motion for a directed verdict is a low bar for the State to satisfy at trial and a high bar for the defendant arguing for reversal on appeal. *State v. Arnold*, 361 S.C. 386, 389, 605 S.E.2d 529, 531 (2004) (“The trial court has a duty to submit the case to the jury where the evidence is circumstantial if there is substantial circumstantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced.”); *Bennett*, 415 S.C. at 237, 781 S.E.2d at 354 (“[A]lthough the jury must consider alternative hypotheses, the court must concern itself *solely with the existence or non-existence of evidence* from which a jury could reasonably infer guilt.”) (emphasis added); *Cherry*, 361 S.C. at 593, 606 S.E.2d at 478 (“When reviewing a denial of a directed verdict, this Court must view the evidence *and all reasonable inferences in the light most favorable to the state.*”) (citing *Burdette*, 335 S.C. at 46, 515 S.E.2d at 531) (emphasis added).

And while the application of the standard for directed verdict depends in part on whether the case is based on direct or circumstantial evidence, a motion for a directed verdict must be granted only “when the evidence *merely raises a suspicion* that the accused is guilty.” *State v. Schrock*, 283 S.C. 129, 132, 322 S.E.2d 450, 452 (1984) (emphasis added). In this case, the Court of Appeals engaged in a severely flawed and reductive analysis of the evidence and all reasonable inferences *in the light most favorable to the State* in concluding that the State failed to present substantial circumstantial evidence. Additionally, the court improperly weighed Redding’s evidence against the State’s—thereby not giving the State’s evidence the benefit it deserves for purposes of directed verdict. And even assuming that the court was permitted to weigh the State’s evidence against Redding’s, Petitioner contends that Redding’s alibi defense was not “significant” as the court concluded. Instead, it was doomed from the beginning by Redding’s own expert

testimony locking in a forensic timeline that only corroborated the State's theory regarding a fabricated alibi, in addition to contradicting Redding's own self-serving testimony and biased alibi witnesses. Moreover, Redding's defense was compromised by other serious credibility concerns notwithstanding the forensic evidence working against him.

Thus, Petitioner contends this Court should grant certiorari to address these serious errors of law.

I. The Court of Appeals committed an error of law in engaging in a reductive analysis of the State's evidence and thereby not applying the correct legal standard appropriate for reviewing the denial of a motion for directed verdict.

The Court of Appeals seriously misapprehended the significance of specific aspects of the State's case and otherwise isolated the significance of such evidence from the totality of the State's case. The fact that the State's case was a circumstantial one should not have been used against it. *See State v. Rogers*, 405 S.C. 554, 567, 748 S.E.2d 265, 272 (Ct. App. 2013) ("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.") (emphasis added).

First, Petitioner contends that the court severely misapprehended the significance of the gun evidence in this case. Multiple witnesses testified that they observed Redding with a blue, turquoise, or teal gun at various points prior to Victim's murder. (App. 254, 263–264, 305–306). One of Victim's sisters, Paige, specifically testified that she saw Redding with this gun *a couple of days* prior to Victim's death, squarely contradicting Redding's self-serving testimony that he *never* owned such a gun.¹ Paige also testified that she observed Victim with the same

¹ In its opinion, the Court of Appeals indicated that Redding stated he never owned a blue gun. (App. 934). This finding is not factually supported by the record. In fact, Redding did not actually

blue/turquoise gun at one point.² She described it as a “9,” ostensibly a 9mm handgun. Paige expressed further familiarity with this gun, noting that she even gave Redding a grip for it. (App. 324–327).³ The State’s firearm expert, Michelle Eichenmiller, testified that the single cartridge casing collected from the motel room’s floor and the bullet fragment collected at Victim’s autopsy were 9mm caliber that could *only have been fired by a handgun manufactured by SCCY* based on identifying characteristics imparted onto the shell casing (and recovered bullet fragment) that are unique to that brand. Eichenmiller further testified that SCCY manufactures 9mm handguns that come in an aqua/teal color, specifically their CPX models.⁴ (App. 357–364).

The State’s main case agent, Katie McCallister, testified that she discovered a video on Victim’s phone showing Redding holding a blue/teal/turquoise gun. (App. 381–383, 397). Finally, *Victim’s DNA* was found on *the* single shell casing found at the scene—corroborating the theory that both Redding and Victim used or otherwise had access to the gun, especially when combined with the fact there was no gun found on the scene and no evidence of suicide. (App. 488–491). Absent suicide, there is simply no other reasonable explanation for how Victim’s DNA was on that

say he never owned such a gun. Instead, when asked by the solicitor if he never owned such a gun, he gave an evasive and suspicious response claiming “[t]here would have been one at the scene if I did.” (See App. 742, 775).

² Another witness recalled seeing Victim holding a firearm on Snapchat videos but could not recall what the gun looked like. She also noted that she never saw Victim with a gun prior to her meeting Redding and living with him. (See App. 293). Victim’s other sister, Desiree, recalled seeing a blue gun in another motel room Redding and Victim were staying in about a month before her death. (App. 236–237, 240).

³ Paige also testified that the gun given in a bag by her boyfriend Dervon Jones (AKA “Popeye”) to a man named Matthew Hatchell across the fence from the Forest Motel to the Siesta Motel was a Taurus G2, *not an SCCY firearm*. The testimony clearly reflected that such a gun *could not have been the murder weapon*. (App. 342–343, 363, 425–427, 440).

⁴ It appears an example of this type of firearm was presented at trial as a photograph in State’s Ex. 34. This exhibit, however, is not in the record on appeal.

shell casing. No evidence was presented suggesting that the case could have made contact with Victim after being fired from the gun.

In addition to the gun testimony, the State also elicited testimony noting that there were no signs of forced entry, a disturbance, or a struggle within the motel room and that Victim had the habit of locking the door and not opening up for strangers. Victim was found dead sitting upright on the motel bed with the covers over her legs. (App. 165, 193–194, 306–307, 323; *see also* State’s Ex. 4 (Photo)). In the light most favorable to the State, this evidence helps to preclude third-party guilt. Moreover, it was reasonable to presume that Redding was the only person other than the motel owner with access to the motel room and was the last person to see Victim alive. Notably, when law enforcement arrived, they observed Redding “making crying sounds” but that there were no tears on his face. (App. 64, 123). One of Victim’s other sisters, Taylor, testified that she received a phone call from Victim’s Facebook that morning, but it was Redding on the line. Redding told Taylor that Victim was simply “unresponsive,” but refused to elaborate.⁵ After briefly getting off the line to call her husband, Taylor called back, whereupon Redding proceeded to explain to Taylor what he was doing that morning, and then only told Taylor that Victim had been shot in the head at the end of the call.⁶ (App. 255–256).

Dr. Ellen Riemer, the forensic pathologist, opined that the single gunshot wound to Victim’s head was a contact wound between Victim’s eyes. (App. 445–450). The various friend/family witnesses also painted a picture of a contentious, domineering, and exploitative dynamic between Redding and Victim, with Redding exerting significant control over Victim’s life and interactions

⁵ “Unresponsive” seems to be a particularly evasive description of Victim’s condition given that she was clearly deceased with a gunshot wound to her forehead. (*See* State’s Ex. 4).

⁶ In closing argument, the solicitor noted that Redding did something similar on the 911 call—first crying but then proceeding to explain everything he did that morning. (*See* App. 779–780).

with others. (App. 236–237, 252–253, 289–292, 304–307, 323–324, 331–332). The contact wound indicating an execution-style killing, combined with the difficulties in the relationship was enough to establish malice in the absence of evidence of suicide.

Finally, investigators found Redding at the scene wearing a different shirt than he did that morning, no blood or GSR on his hands despite Redding admitting he touched Victim—and yet there was still blood/DNA on the motel room door and GSR on Redding’s shorts. (App. 159–163, 467–474, 486–496). Viewing all this evidence combined in a light most favorable to the State, the State presented substantial circumstantial evidence to warrant sending the case to the jury. The Court of Appeals erred in holding otherwise.

II. The Court of Appeals committed an error of law in improperly weighing Redding’s evidence against the State’s and in otherwise finding that Redding presented “significant evidence of an alibi defense” when such a defense was severely compromised from the beginning and only further corroborated the State’s theory that the alibi was concocted after the murder

In its opinion, the Court of Appeals acknowledged that under *State v. Hepburn*, 406 S.C. 416, 753 S.E.2d 402 (2013), in its adoption of the waiver rule articulated in *Harry*, appellate courts may consider the evidence presented by the defense in addition to the State’s case-in-chief when assessing the propriety of the denial of directed verdict.⁷ Thus, acknowledging the evidence in Redding’s case *itself* was not error. What Petitioner contends is error, however, is how the court

⁷ As discussed further below, Petitioner contends that properly applying the waiver rule in this case would further support a finding that denying directed verdict was proper given the weakness and internal contradictions of Redding’s defense. *Cf. State v. Thompkins*, 220 S.C. 523, 526, 68 S.E.2d 465, 466 (1951) (“[I]n determining the sufficiency of the evidence to support the verdicts, we must consider the entire testimony, including that offered by appellants. . . . ‘We know of no reason why the defendant in a criminal court, who is not content to leave the [government’s] case where he finds it, should escape a just conviction simply because he has, unfortunately for himself, completed the proof of his own guilt.’”) (quoting *Commonwealth v. George*, 42 Pa. C.C. 643 (1914)).

improperly weighed such evidence in violation of the standard of review, and such weighing was also not factually supported by the record. Redding’s alibi defense was not “significant” as described by the court because it was doomed from the start by uncontroverted expert testimony locking in a forensic timeline that contradicted the alibi testimony that followed. Redding’s own data expert testified that Redding’s phone location data was consistent with being at or near the Forest Motel between 8:06 and 8:27 AM, at which point he left, and then shows him arriving back at the motel around 9:45 AM. The data extracted from Victim’s phone showed that the last recorded activity on Victim’s phone was at 8:09 and 8:12 AM.⁸ (App. 573–574, 579–580).

If anything, this information only further corroborates the State’s theory that Redding killed Victim sometime early that morning, left, returned back to the motel to fabricate his claim that he found Victim alive and well, cleaned himself up and changed his shirt, left, and returned approximately an hour later around 9:45 AM to place the 911 call and act like he just discovered Victim dead, in addition to thereafter placing calls to Victim’s family on *Victim’s phone*. (App. 582–585).⁹ Furthermore, the location data of Redding’s phones locks in a forensic timeline and thus raises credibility issues for Redding’s other alibi witnesses when recounting their own timeline—credibility issues that an appellate court does not have the direct benefit of fully grasping *as the trial court and jury does*. See *State v. Tillman*, 433 S.C. 58, 64–65, 856 S.E.2d 168, 172 (Ct. App. 2021) (“[I]t was within the jury’s purview to determine what each piece of evidence meant,

⁸ Based on testimony elicited by the State regarding Redding’s controlling behavior of Victim, the activity on Victim’s phone during this timeframe supports an inference of Redding staging the scene to help fabricate his alibi—or alternatively that Victim was killed sometime after her last phone activity but before the conclusion of the 20-minute timeframe Redding was back at the motel. Either way, these reasonable inferences support the State’s case, not Redding’s.

⁹ The solicitor made a point of noting that Redding told 911 he had returned to the motel to “get his wallet.” (App. 617–618).

how the pieces fit together, and whether the sum of the evidence was sufficient to convict Tillman.”) (citing *State v. Mealor*, 425 S.C. 625, 654, 825 S.E.2d 53, 69 (Ct. App. 2019)).

Redding’s first alibi witness, Danielle Smith, testified that Redding picked her up from her house off Simmonsville Road around “[m]aybe 8:30 or nine o’clock, something like that” despite being asked if she initially told law enforcement that Redding arrived around 7:30 AM. She equivocated in her answer until she was shown a transcript. (App. 619–620, 622–625). After being picked up, Smith testified that Redding stopped at the motel so Redding could pick up his wallet. Smith first testified that he was inside for “one or two minutes,” but then clarified that Redding was inside for no more than five minutes. They then drove to Smith’s grandmother’s house in Pineland which took about 15 to 20 minutes in total. (App. 626–629). Smith conceded on cross-examination that she was cousins with Redding and that she had memory issues after an accident. (App. 630–632). Based on the testimony of Redding’s own data expert, Smith’s claim that they stopped at the motel for only a couple of minutes is contradicted by the fact that Redding’s phones were in the vicinity of the motel for approximately 20 minutes, certainly ‘only a minute or two’ or ‘less than five.’ (App. 569–570).

Piavin Patel, the motel owner, testified he usually gets to work between 8:00 or 8:30 AM to begin cleaning the rooms yet did not specifically state when he arrived to the motel that morning. Patel further testified that he saw Redding pull up in his car before going to his utility room for a “couple of hours” until he heard Redding crying and went to his room. Patel could not remember what color shirt Redding was wearing. On cross-examination, however, Patel testified that he was running late that morning and saw Redding arrive around 9:45 AM when he had started cleaning. (App. 597–602, 605–606). Thus, Patel’s testimony was vague at best, failed to contradict the

State's theory, or otherwise failed to disprove that Redding had motive, means, and opportunity to kill Victim.

Redding's own testimony, however, was by far the most flawed and damaging to his own case.¹⁰ Redding described that morning as follows. First, he left the motel early that morning and stopped at a gas station called Parker's on the way to Beaufort to pick up his other girlfriend Ashley Dodson in order to take her to work. At the gas station, Redding got under the vehicle to fix a piece of trim or cover that was dragging under the car. Then, he described picking up Ashley in Beaufort and driving her to McDonalds in Bluffton where she worked. Then, Redding drove to Simmonsville Road to pick up his cousin Danielle, arriving there around 7:17 or 7:18 AM. (App. 713–715, 718–722). After picking her up, Redding stated that he returned to the hotel to pick up his cigarettes and wallet, also noting that he had left Victim some cigarettes, his gas was low, and that he left most of his money in the room. (App. 723). Upon arriving at the motel, Redding testified that Victim was laying down but got up when he opened the door and that they “conversed for a little bit.” He also used the bathroom, got his cigarettes, his wallet, and told Victim they would figure out the rest of the day when he got back. Redding stated this only lasted a “couple minutes.” (App. 724–725, 729–730). Thereafter, he drove Danielle to Pineland and then to his uncle's house, where he finished fixing the broken trim under his car. While at his uncle's house, Redding claims he changed from a Batman shirt to a red Adidas shirt. Redding then stated

¹⁰ Petitioner notes that Redding also presented the testimony of his uncle and his mother not for the purpose of establishing alibi, but more so in an attempt to admit into evidence a Batman shirt alleged to have been worn by Redding the morning of the murder. Notably, this shirt only happened to be discovered by Redding's mother at the start of trial almost two years after the murder. As such, given the clear authentication issues and probability of gamesmanship, the trial court sustained the State's objection, and the shirt was not permitted to be entered into evidence. State investigators never found a Batman shirt. (See App. 647–665).

he returned to the motel and found Victim dead. (App. 725–731).¹¹ When asked on direct if he ever owned a gun, Redding gave an equivocal response stating he did not really own a gun but had one in his possession a month before Victim’s death. He stated he sold it to his cousin for “a hundred bucks.” (App. 739–740).

On cross-examination, the solicitor picked up on the topic of firearms, asking Redding if he recalled telling SLED he sold his gun for \$900. He did not recall. Redding also denied *anyone seeing* him with a blue gun and, when asked if he never *had* a blue gun, stated: “There would have been one at the scene if I did.” Next, the solicitor asked Redding if he recalled his written statement to law enforcement that Victim was still asleep when he left her for the last time and whether he failed to mention having a conversation with Victim in this statement. Redding was also asked if he recalled telling law enforcement that he touched Victim and moved her head, as well as reenacting this moment. (App. 741–745). Redding explained that he was going to get gas only after picking up Victim again later despite him saying he needed to pick up his wallet before going to Pineland. (App. 746–747). When asked about his relationship with Victim, Redding admitted it was true that he hid his relationship with his other girlfriend Ashley from Victim until Victim looked through his phone and asked him about it. Redding also acknowledged telling SLED that Victim was insecure about this other relationship. (App. 748–751). When asked why he never told SLED about fixing the dust cover and changing his shirt at his uncle’s house, Redding stated he did not think it was necessary. (App. 754–755). Finally, the solicitor pointed out that Redding attempted to suggest on the 911 call that Victim’s sister Desiree may have been responsible based on an altercation they had a month prior. (App. 758–760).

¹¹ Notably, not one time did Redding mention driving by Paige’s house that morning despite Paige testifying during the State’s case-in-chief that Redding drove by her house around 8:00 AM that morning, honked, and said hi. (App. 329–330).

In sum, Redding's direct testimony contradicted his own forensic evidence that placed him at the motel for 20 minutes—and his evasive, dodgy, and contradicting responses on cross-examination only further undermined his own defense. Thus, assessing this evidence properly as a factual matter only supports the trial court's conclusion that directed verdict was not warranted in this case. The Court of Appeals erred not only in weighing this evidence against the State's, but also as a factual matter in characterizing the evidence as supporting Redding's defense.

As a last point, Petitioner contends that the court relied too heavily on comparisons to decisions in other directed verdict cases rather than properly assessing the evidence in this case. At the end of the this Court's decision in *Bennett* affirming the trial court's denial of directed verdict and thus reversing a contrary decision of the Court of Appeals, this Court noted that while the defendant in that case argued the evidence was more tenuous than in *Arnold, supra*, and in *State v. Bostick*, 392 S.C. 134, 708 S.E.2d 774 (2011), two other cases where this Court reversed the denial of directed verdict, that it "recognize[d] in this area of ever-evolving jurisprudence our inquiry is necessarily fact-intensive; *therefore, the holdings in those cases are limited to their peculiar facts.*" 415 S.C. at 237, n.1, 781 S.E.2d at 354, n.1 (emphasis added). As such, Petitioner contends that comparisons to other cases are only marginally helpful in applying the proper standard of review in this case. The Court of Appeals overly relied on citations to these cases without actually assessing the evidence in the light most favorable to the State.

Bennett's other analysis is also instructive as to the issue Petitioner raises regarding the Court of Appeals' improper assessment of Redding's defense. In *Bennett*, the Court of Appeals had found that the evidence presented placed the defendant generally at the location where the crime occurred, but it disagreed with the State's assertion that the evidence placed him at the scene of

the crime. *Id.* at 236, 781 S.E.2d at 354. This Court noted the following regarding this flawed analysis in reversing the denial of directed verdict:

In our view, this discussion clearly indicates the court of appeals weighed the evidence and reversed based on *its conclusion that there was a plausible alternative theory inconsistent with Bennett's guilt*. This is contrary to our jurisprudence and misapprehends the court's role making this determination. As this Court clarified in *State v. Littlejohn*, 228 S.C. 324, 89 S.E.2d 924 (1955), the lens through which a court considers circumstantial evidence when ruling on a directed verdict motion is distinct from the analysis performed by the jury. Within the jury's inquiry, "it is necessary that every circumstance relied upon by the state be proven beyond a reasonable doubt; and that all of the circumstances so proven be consistent with each other and, taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis." *Id.* at 328, 89 S.E.2d at 926. However, when ruling on a directed verdict motion, the trial court views the evidence in the light most favorable to the State and must submit the case to the jury 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." *Id.* at 329, 89 S.E.2d at 926. Therefore, although the jury must consider alternative hypotheses, *the 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. (emphasis added).¹²

The Court of Appeals was required to view the evidence in this case in the light most favorable to the State and failed to do so. *See Bennett; Harry, supra*. As such, Petitioner respectfully asks this Court to grant certiorari to address these serious errors of law.

¹² *See also State v. Harry*, 420 S.C. 290, 299, 803 S.E.2d 272, 277 (2017) ("The excellent opinion of the court of appeals analyzed the evidence appropriately in light of the applicable standard of review. The dissent [*id.* at 301–305, 803 S.E.2d at 278–80] cites the proper standard of review, *but rejects it in application, preferring instead to recast the evidence in a light favorable to Petitioner.*") (emphasis added).

CONCLUSION

WHEREFORE, Petitioner asks this Court to grant certiorari in order to address these serious errors of law.

Respectfully submitted,

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