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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable Thomas Rode, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KARRINGTON CHRISTIAN HOLMES,

APPELLANT

APPELLATE CASE NO. 2025-002059

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err denying appellant's motion for a directed verdict where the state failed to introduce substantial circumstantial evidence that appellant was the man in the gray hoodie that shot and killed decedent?

STATEMENT OF THE CASE

In February 2020, a Berkeley County grand jury indicted appellant for murder and possession of a weapon during the commission of a violent crime. Indictments. Appellant's case was called to trial on September 22, 2025, before the Honorable Thomas Rode and a jury. Tr. 1. Jason Bybee and Keshia White represented appellant. Tr. 1. F. Alexander Myers and Nicholas Young prosecuted for the state. Tr. 1.

The jury convicted appellant. Tr. 594, ll. 12-18. Judge Rode sentenced appellant to concurrent terms of thirty-five years' imprisonment for murder and five years' imprisonment for possession of a weapon during the commission of a violent crime. Tr. 601, ll. 7-18.

This appeal follows.

STANDARD OF REVIEW

“A case should be submitted to the jury when the evidence is circumstantial ‘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.’” *State v. Bostick*, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011) (quoting *State v. Mitchell*, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)). “Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt.” *Id.* “Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error.” *Id.* at 139, 708 S.E.2d at 776-777. “On appeal of the denial of a directed verdict of acquittal, this Court must look at the evidence in the light most favorable to the state.” *Id.* at 139, 708 S.E.2d at 777; *see also State v. Hepburn*, 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013). If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court’s denial of the directed verdict motion. *Hepburn*, 406 S.C. at 429, 753 S.E.2d at 409.

ARGUMENT

The trial court erred denying appellant's motion for directed verdict where the state failed to introduce substantial circumstantial evidence that appellant was the man in the gray hoodie that shot and killed decedent.

Relevant facts

On May 1, 2019, a man was shot and killed outside of his large semi-truck on the side of Highway 152 in Goose Creek. Tr. 89, ll. 5-24; 90, l. 11—91, l. 2. When police arrived the man, still alive, told the officer it was a drive-by shooting and described the shooter as a black man and his car as a Chevy. Tr. 96, ll. 21-25; 100, ll. 1-15. Ultimately the man (decedent) died. Tr. 422, ll. 11-18.

Another truck driver and friend of decedent, Robert Mcquire Jr., testified regarding the events leading up to the shooting. Tr. 158-181. On May 1, Mcquire and the decedent were both hauling materials from the same place. Tr. 160, ll. 5-9. Mcquire could see decedent's semi-truck on the road. He testified that a driver cut decedent off and then decedent went back around the driver passing them on the right and the driver continued to follow decedent's truck. Tr. 161, ll. 7-12; 162, ll. 3-19. Mcquire described the driver's car as a "Chevy, blue silver, dark windows all the way around." Tr. 167, ll. 5-6. Not long after the road incident Mcquire heard decedent had been shot. Tr. 163, ll. 19-24.

Caleb Bradish an off-duty police officer testified regarding what he saw on the side of highway 52 before decedent was shot. Tr. 195-202. Officer Bradish testified that he saw a "big rig" pulled over off the highway and another car pulled in behind it. He stated, "it looked like an intense incident was occurring between the two parties with the vehicles." Tr. 197, ll. 2-7. Bradish described the individuals as a white male and a black male. Tr. 197, l. 19. He testified

that at the time he believed the car was a “Chevy Impala” then he later testified it was a “lighter color, gray or white” “four-door sedan, possibly a Chevy Malibu.” Tr. 199, ll. 19-25; 202, ll. 4-11.

Another driver on highway 52, Reid Shaw, testified regarding his observations on the road on May 1. Tr. 235-259. Shaw became involved after speaking to a friend’s mother who worked at the coroner’s office. He told her what he saw on the highway, and she connected him to law enforcement. Tr. 237, ll. 14-17. Shaw stated that on May 1, 2019, he saw an “altercation between two men on the side of 52, looked like they were arguing.” Tr. 238, ll. 1-4. He described the men as one black male wearing a gray hoodie with the hood up covering his face and one heavier-set white male wearing a t-shirt. Tr. 238, ll. 12-19; 255, ll. 1-5.

Shaw claimed he could see the men “pretty good” from his car traveling at a speed of 70-75 miles per hour down the highway. Tr. 239, ll. 2-5; 253, l. 25—254, l. 2. Shaw first told law enforcement the black male was waving his arms but testified at trial the black male was holding out a gun with an extended magazine. Tr. 239, ll. 16-23; 240, ll. 3-6; 256, ll. 1-18. Shaw testified the black man got in his car and pulled out behind him back on to highway 52 and then turned off left. Tr. 242, ll. 10-15. He said the car was a “Gray Volkswagen sedan.” Tr. 244, l. 14. Shaw said the driver’s side headlight was busted out, there were air fresheners and a bead necklace hanging from the rearview mirror. Tr. 243, ll. 18-22.

Appellant’s former girlfriend, Madison Tanner, testified at trial. Tr. 260-283. Tanner said she and appellant were living together. Tanner owned and drove a silver-gray Volkswagen Passat. Tr. 261, l. 9—262, l. 12. Tanner said the car had damage on the driver’s side and had air freshener and a necklace hanging from the rearview mirror. Tr. 262, ll. 13-25. Tanner testified appellant had her car during the week of May 1, 2019. Tr. 264, ll. 3-15. She also claimed

appellant had a black handgun with an extended clip in their home. Tr. 276, ll. 2-11.

Corporal Michael Taylor testified that on May 5, 2019, appellant called police regarding “a civil issue he was having with a car lot that he purchased a vehicle from.” Tr. 318, ll. 21-24. When Taylor met appellant, he was standing beside a car similar to the car believed to have been involved in the May 1, shooting. Tr. 318, l. 24—319, l. 10. Reid Shaw later positively identified the car defendant was driving as the car he saw May 1. Tr. 247, ll. 4-9.

Police collected a single shell casing, the man’s wallet, and a large knife from the scene. Tr. 117, ll. 11-12; 130, ll. 5-15. The cartridge casing appeared to have been stepped on or runover, but the officer testified “[i]t was shot recently.” Tr. 118, ll. 17-25. No guns were collected from the search of appellant’s home or the Volkswagen. Tr. 408, l. 15—410, l. 15.

At the conclusion of the state’s case defense counsel moved for a directed verdict arguing the state did not meet its burden of proving all of the elements of murder, specifically malice or identification. The solicitor contended they presented “substantial circumstantial evidence” such that the case should go to the jury. Tr. 532, ll. 5-20.

Discussion

The state presented no direct evidence that appellant shot and killed decedent and insubstantial circumstantial evidence that failed to prove appellant shot and killed decedent.

A trial court must direct a verdict of acquittal when the record does not contain evidence to support every element of the charged offense. *See, e.g., State v. Brown*, 360 S.C. 581, 586, 602 S.E.2d 392, 395 (2004); *State v. Evans*, 376 S.C. 421, 424, 656 S.E.2d 782, 783 (Ct. App. 2008) (“A defendant is entitled to a directed verdict when the state fails to produce evidence on a material element of the offense charged.”); *see also In re Winship*, 397 U.S. 358, 364, 90 S.Ct. 1068, 1073 (1970) (“Lest there remain any doubt about the constitutional stature of the

reasonable-doubt standard, we explicitly hold that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.”); Rule 19(a), SCRCrimP (“[O]n motion of the defendant or on its own motion, the court shall direct a verdict in the defendant’s favor on any offense charged . . . if there is a failure of competent evidence tending to prove the charge in the indictment.”).

When considering a motion for directed verdict of acquittal, “the trial court is concerned the existence or non-existence of evidence, not its weight.” *Brown*, 360 S.C. at 586, 602 S.E.2d at 395. When reviewing a denial of a directed verdict, appellate courts “view the evidence and all reasonable inferences in the light most favorable to the nonmoving party.” *State v. Brannon*, 388 S.C. 498, 501, 697 S.E.2d 593, 595 (2010).

In *State v. Mitchell*, 341 S.C. 134, 535 S.E.2d 126 (2000), the South Carolina Supreme Court held the lower court erred in failing to direct a verdict where the only evidence presented against defendant was his fingerprint at the scene of the burglary. Similarly, in *State v. Lollis*, 343 S.C. 580, 541 S.E.2d 254 (2001), the South Carolina Supreme Court directed a verdict of acquittal in defendant’s favor where the state presented no direct evidence that defendant was involved in setting fire to his home. The circumstantial evidence against defendant was that his wife admitted to the arson, defendant had placed valuables in storage prior to the fire, defendant possessed a key to the storage unit, and defendant allegedly had financial troubles. In that case the court found the evidence insufficient. *Lollis*, at 585, 541 S.E.2d at 257.

In *State v. Martin*, 340 S.C. 597, 533 S.E.2d 572 (2000), the South Carolina Supreme Court directed a verdict of acquittal in defendant’s favor where the state failed to meet the “any substantial evidence” standard. In that case the state presented evidence that a car resembling the

one defendant was driving was seen parked at the victim's apartment complex on the night of the murder. *Martin*, at 600, 533 S.E.2d at 573. The state also presented evidence defendant and co-defendant were late picking up defendant's girlfriend from work and when his girlfriend asked why they were late defendant replied, "some shit happened" and co-defendant added "somebody may have died tonight." *Id.*

In *State v. Odems*, 395 S.C 582, 720 S.E.2d 48 (2012), the South Carolina Supreme Court held defendant was entitled to a directed verdict based upon a lack of substantial circumstantial evidence that defendant was involved in the burglary. Although defendant was in a car with other individuals who admittedly burglarized a home, the state failed to provide substantial circumstantial evidence that defendant was present during the home invasion. The witness who saw individuals at the home claimed she saw two, not three as were found in the car. *Odems*, at 584, 720 S.E.2d at 49. Fingerprints collected from the stolen goods did not match defendant's but matched the other individuals in the car. *Id.* at 588, 720 S.E.2d at 51. One of the individuals who admitted his involvement claimed defendant was picked up after the burglary at a gas station. *Id.*

In *State v. Bostick*, 392 S.C. 134, 141, 708 S.E.2d 774, 778 (2011), the South Carolina Supreme Court held the state failed to present substantial circumstantial evidence of defendant's guilt. Rather, the state's evidence could produce only a suspicion of defendant's guilt. *Id.* Although the police found items belonging to the victim in a burn pile behind the home of defendant's mother, the court held no evidence linked defendant to the evidence in the burn pile and the prosecution presented no testimony that defendant had control over the burn pile. *Id.* at 137-141, 708 S.E.2d at 775-778. The only other evidence presented against defendant was that he had a chemical pattern that matched gasoline on his shoes and gasoline was used to start the fire at the

victim's home, and DNA from blood on defendant's jeans excluded ninety-nine percent of the population, but the expert could not testify the DNA matched the victim. *Id.* at 142, 708 S.E.2d at 778.

Appellant's case has less circumstantial evidence than the cases cited above where the appellate court found the trial court should have directed a verdict in defendant's favor. In *Martin*, there was evidence presented that could be construed as an admission of guilt as well as a car matching the description of the car defendant was driving was seen at victim's apartment on the night of the murder. *Martin*, at 600, 533 S.E.2d at 573. In *Bostick*, the victim's belongings were found in a burn pile behind defendant's mother's home and defendant had blood on his jeans. Here, when the state closed its case, only the following pieces of circumstantial evidence had been presented: surveillance footage that the car appellant was driving that week was on Highway 52 at the same time as the decedent's truck, Tanner's testimony that appellant owned a handgun with an extended magazine, and Shaw's testimony describing a black man and a white man on the side of the highway, his newly recalled memory that the black man was pointing a handgun with an extended magazine, and his identification of the car.

Conversely, the state offered no evidence that anyone saw appellant shoot decedent. There was no physical evidence found during law enforcement's search of appellant's home or Tanner's car tying appellant to the shooting. The state offered only speculation that this was a "road rage" incident because a car cut the decedent off and then followed the decedent after he cut the car off in response. There was conflicting evidence presented about the make, model, and color of the vehicle alleged to have been involved. Reid Shaw's observations are unbelievably specific in light of the fact he was traveling at a high rate of speed. Additionally, Shaw's coincidental involvement in the case through his friend's mother who worked at the

coroner's office was unusual.

Appellant willingly admitted he was driving Tanner's car that day and he called police regarding a separate incident to come and meet him while standing next to that car only a few days later. These are not the actions of a criminal trying to hide the fact they are driving a car with noticeable damage.

After trial, much is still unknown regarding the side of the road shooting. No one witnessed the shooting. The decedent's account to police did not match up to the crime scene. There was very little evidence found at the scene and any other evidence that may have been found was trampled or driven over. The state presented zero direct evidence and insubstantial circumstantial evidence that the man that shot and killed decedent was appellant. Thus, the trial judge should have directed a verdict in appellant's favor because the evidence presented only raised a suspicion of guilt.

CONCLUSION

Based on the foregoing, Appellant requests this Court reverse the trial court and grant his motion for a directed verdict.



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR APPELLANT

This 31st day of July, 2026.