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Jul 31 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ALLON TRIANTE ADAMS,

APPELLANT

APPELLATE CASE NO. 2025-002363

ANDERS BRIEF OF APPELLANT

LARA M. CAUDY
Senior Appellate Defender

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Division of Appellate Defense
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STATEMENT OF ISSUE ON APPEAL

Did the trial court abuse its discretion by admitting a video recovered from Appellant's phone of Appellant waving a firearm with a bandana covering his mouth and rap music playing in the background, and a still shot from this video, since the evidence was not relevant pursuant to Rule 401, SCORE, constituted improper character evidence in violation of Rule 404, SCORE, and any probative value of the evidence was substantially outweighed by the danger of unfair prejudice in violation of Rule 403, SCORE?

STATEMENT OF THE CASE

A Lexington County grand jury indicted Appellant on October 13, 2025, for murder, armed robbery, criminal conspiracy, and possession of a weapon during the commission of a violent crime. R. 725-732. Appellant's case was called to trial on November 17, 2025, before the Honorable Walton J. McLeod, IV, and a jury. R. 1. Solicitor Rick Hubbard and Deputy Solicitor Suzanne Mayes represented the state. Stephen Story and James Holladay represented Appellant. R. 1.

On November 21, 2025, the jury found Appellant guilty as indicted. R. 680, l. 25 – 681, l. 16. He was sentenced to life without parole for murder, thirty years for armed robbery, five years consecutive for conspiracy, and five years for the weapons offense.¹ R. 698, ll. 13-21.

This appeal follows.

¹ Appellant should not have been sentenced for the weapons offense since he was sentenced to life without parole for murder. See S.C. Code Ann. § 16-23-490(A). Based on the plain language of § 16-23-490(A), the five year sentence for possession of a weapon during the commission of a violent crime does not apply where the defendant is sentenced to life without parole for the violent crime. Id. Appellant may later seek to have his five year sentence for the weapons offense vacated during post-conviction relief (PCR).

STATEMENT OF FACTS

Tony Etheredge, Jr., the decedent, was last heard from just after midnight on December 30, 2023. His parents reported him missing on January 4, 2024. On January 5, 2024, the decedent's Toyota Tacoma truck was found in a hayfield in Leesville. There was a large stain on the driver's seat that appeared to be blood as well as suspected blood in the bed of the truck. There was a bullet defect on the exterior passenger side of the truck and a residue on the interior and exterior that law enforcement suspected was some sort of cleaning agent. Based on the condition of the truck, investigators suspected Etheredge may have been murdered. R. 192, l. 18 – 200, l. 16.

After learning from social media and the news that Etheredge was missing, Keyosha Chandler contacted law enforcement. Chandler, who worked at Mr. B's Exxon in Batesburg, saw Etheredge at the convenience store on the night of December 27, 2023. Etheredge, who frequently stopped at Mr. B's alone, was with an unfamiliar woman that night. The manager at Mr. B's provided police with the surveillance footage of Etheredge and the woman from that night. R. 172, l. 3 – 184, l. 4.

Investigators identified this woman as Cady Keener, who at the time was nineteen years old. Police knew Keener dated Appellant, who lived close by to where Etheredge's truck was found. R. 221, l. 20 – 224, l. 9. Investigators first spoke to Keener at her mother's house in Lexington on January 29, 2024. Keener denied knowing Etheredge or anything about his disappearance. R. 549, l. 19 – 553, l. 16.

After this interview, investigators learned that Keener had told a friend, Ava, who at the time was only fourteen years old, that Appellant had shot and killed Etheredge. After speaking with Ava, police arrested Keener. R. 553, l. 24 – 554, l. 20. On February 9, 2024, after her

arrest, Keener told investigators that Appellant shot and killed Etheredge after the couple plotted to rob Etheredge of his truck. Keener showed police where Etheredge was supposedly shot on Parrish Road in Leesville and identified the location of where police could find Etheredge's body. R. 555, l. 25 – 558, l. 7. Based on Keener's statement, investigators found Etheredge's body in Black Creek off Hartley Quarter Road in Pelion. R. 331, ll. 4-24.

Keener testified against Appellant at trial. She was charged with murder, armed robbery, and criminal conspiracy and was facing life without parole. Keener claimed she exchanged Facebook messages with Etheredge and arranged to meet Etheredge on the night of December 29, 2023. She testified that she told Etheredge to pick her up from an abandoned house just down the road from where Appellant lived in a camper on Rish Drive. After Etheredge picked Keener up, she supposedly told him that Appellant "needed a ride to his baby mother's house because she was having a diabetic moment." Keener claimed this story had been part of the plan and that Appellant had come up with the story. Etheredge agreed to give Appellant a ride and Keener directed him to the camper where Appellant lived. Appellant and Roosevelt Garway supposedly got into Etheredge's truck. Eventually, according to Keener, the group ended up on Parrish Road, a dirt road in a secluded area. Keener testified that she told Etheredge that she was going to vomit and then pretended to throw up on the side of the road in an effort to get Etheredge to get out of the truck. However, Etheredge never got out of the truck. Keener claimed that Appellant, upset that Etheredge would not get out of the truck, then walked around to the driver's door. When Etheredge rolled down the window, Keener claimed Appellant shot him multiple times. Keener testified that Appellant then dragged Etheredge's body up an embankment and took his wallet. Appellant then drove Keener and Garway back to Appellant's camper. R. 517, l. 5 – 535, l. 5.

Once at the camper, Keener said they went through Etheredge's wallet and called a cardholder service to find out the balance on Etheredge's debit or credit card. R. 535, ll. 2-15. They also deleted Keener's and Etheredge's Facebook accounts. The following night, Keener claimed she and Appellant returned to Parrish Road, moved Etheredge's body to the bed of his truck, and subsequently dumped the body off a bridge into Black Creek. R. 536, l. 2 – 541, l. 16. The pair eventually abandoned Etheredge's truck in a hayfield off Truex Road and allegedly walked back to Appellant's camper. Before leaving the truck, Keener claimed she and Appellant obtained baking soda and vinegar from her friend Ava and attempted to clean the vehicle. R. 541, l. 22 – 544, l. 15.

Law enforcement found a towel and a hoodie near Etheredge's truck in the hayfield. Keener maintained that she and Appellant had used these items to clean Etheredge's truck before abandoning it. R. 544, ll. 16-20. Catherine Leisy, who was qualified as an expert in DNA forensic science, testified that Appellant's and Etheredge's DNA were found on the towel and hoodie. Appellant's DNA was also found on a swab collected from the steering wheel of Etheredge's truck. R. 479, l. 3 – 489, l. 25.

Over Appellant's objection, the trial court admitted several audio recordings and a video found on the phones seized from Appellant, which the state maintained contained statements made by Appellant that were tantamount to a confession. See R. 319, l. 4 – 392, l. 12.

STANDARD OF REVIEW

“The admission or exclusion of evidence is an action within the sound discretion of the [trial] court and will not be disturbed on appeal absent an abuse of discretion.” State v. Tapp, 398 S.C. 376, 385, 728 S.E.2d 468, 473 (2012) (citing State v. Williams, 386 S.C. 503, 509, 690 S.E.2d 62, 65 (2010)). “An abuse of discretion occurs when the conclusions of the [trial] court are either controlled by an error of law or are based on unsupported factual conclusions.” Id. (citing State v. Douglas, 369 S.C. 424, 429-30, 632 S.E.2d 845, 848 (2006)).

ARGUMENT

The trial court abused its discretion by admitting a video recovered from Appellant's phone of Appellant waving a firearm with a bandana covering his mouth and rap music playing in the background, and a still shot from this video, since the evidence was not relevant pursuant to Rule 401, SCRE, constituted improper character evidence in violation of Rule 404, SCRE, and any probative value of the evidence was substantially outweighed by the danger of unfair prejudice in violation of Rule 403, SCRE.

Relevant Facts

Senior Investigator John Donnelly, who was qualified as an expert in digital evidence examination, testified that he forensically examined numerous cell phones that were seized from Appellant. R. 318, l. 22 – 319, l. 23. One of these phones was a blue Motorola taken from Appellant during a traffic stop on January 20, 2024. R. 320, ll. 5-14. Donnelly testified that he discovered a video on this device that was posted to Snapchat at 8:00 p.m. on December 29, 2023, roughly four and a half hours before the decedent was last heard from.² Donnelly testified that Appellant was in this video holding a firearm. R. 324, l. 23 – 325, l. 25. The video was marked as State's Exhibit No. 169 and a still shot from the video was marked as State's Exhibit No. 170. R. 326, ll. 1-13. Both exhibits are on file with this Court.

The video shows Appellant wearing a black sweatshirt with the hood pulled up over his head and a black bandana covering his mouth waving a gun with rap music playing in the background. See State's Exhibit No. 169. Another individual, who Appellant's codefendant,

² The decedent last spoke to his son at 12:21 a.m. on December 30, 2023. A call was placed from the decedent's phone at 1:11 a.m. on December 30, 2023, to "cardholder services" for the decedent's debit or credit card. R. 324, ll. 8-22. Appellant's codefendant, Cady Keener, claimed they placed this call after the decedent's death. R. 535, ll. 2-15. The state alleged the decedent was killed at some point during this fifty minute window.

Cady Keener, identified as Roosevelt Garway, is also seen in the video. According to Keener, the video was taken while she, Appellant, and Garway were at Appellant's camper planning the armed robbery of the decedent. See R. 525, l. 22 – 527, l. 8.

When the state sought to admit the video and the still shot from the video, defense counsel objected. He argued the evidence was impermissible character evidence pursuant to Rule 404, SCRE, and should also be excluded pursuant to Rule 403, SCRE. Counsel further cited to State v. Cheeseboro, 346 S.C. 526, 552 S.E.2d 300 (2001).³ R. 327, ll. 4-10.

The deputy solicitor argued the evidence was part of the *res gestae* and relevant because the video was allegedly recorded four and a half hours before the decedent was last heard from. R. 328, ll. 1-4.

The trial court overruled Appellant's objection and admitted the exhibits. R. 328, ll. 5-9. The court did not conduct any sort of Rule 403 balancing analysis. It merely noted Appellant's objection for the record.

Discussion

The trial court abused its discretion by admitting the video recovered from Appellant's phone of Appellant waving a firearm with a bandana covering his mouth, and a still shot from this video, since the evidence was not relevant pursuant to Rule 401, SCRE, constituted improper character evidence in violation of Rule 404, SCRE, and any probative value of the evidence was substantially outweighed by the danger of unfair prejudice in violation of Rule 403, SCRE.

³ Defense counsel also referenced his pretrial objection to the admission of all social media posts discovered on Appellant's phones pursuant to Rule 403, SCRE, and Rule 404, SCRE. See R. 327, ll. 18-20. Counsel argued pretrial that such evidence generally glorifies violence and should be excluded. The video later admitted as State's Exhibit No. 169 was not specifically discussed during the pretrial hearing. See R. 54, l. 12 – 55, l. 7.

“Evidence is relevant if it has a direct bearing upon and tends to establish or make more or less probable the matter in controversy.” State v. Cartwright, 425 S.C. 81, 90, 819 S.E.2d 756, 760 (2018) (quoting Rule 401, SCORE) (internal quotation marks omitted); See State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991). “All relevant evidence is admissible, except as otherwise provided . . .” Id. (quoting Rule 402, SCORE) (internal quotation marks omitted); See State v. Langley, 334 S.C. 643, 515 S.E.2d 98 (1999). “Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” Id. at 90, 819 S.E.2d at 761 (quoting Rule 403, SCORE) (internal quotation marks omitted). “The determination of the prejudicial effect of the evidence must be based on the entire record and the result will generally turn on the facts of each case.” Id. (quoting State v. Gillian, 373 S.C. 601, 609, 646 S.E.2d 872, 876 (2007)) (internal quotation marks omitted). “Evidence is unfairly prejudicial if it has an undue tendency to suggest a decision on an improper basis, such as an emotional one.” Id. at 91, 819 S.E.2d at 761 (quoting State v. Wilson, 345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001)) (internal quotation marks omitted).

“Evidence of a person’s character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion.” Rule 404(a), SCORE. “Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therein. It may, however, be admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent.” Rule 404(b), SCORE; State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). To be admissible, the record must support a logical relevance between the prior bad act and the crime for which the defendant is accused. State v. Brooks, 341 S.C. 57, 61, 533 S.E.2d 325, 327 (2000). “Further, even though the evidence falls within a Lyle exception, it must be excluded if

its probative value is substantially outweighed by the danger of unfair prejudice to the defendant.” SCRE Rule 403; See State v. Garner, 304 S.C. 220, 221-222, 403 S.E.2d 631, 632 (1991).

The video of Appellant waving a firearm with a black bandana covering his mouth and rap music playing in the background was not relevant or probative, was unfairly prejudicial, and constituted bad character evidence. Evidence that Appellant possessed a firearm over four hours before the decedent was allegedly killed was not relevant nor probative. The firearm seen had absolutely no connection to the case as no gun was ever recovered during the investigation. Law enforcement never found the firearm used to kill the decedent. However, this evidence likely caused the jury to emotionally dislike Appellant and convict him on an improper basis. The imagery of Appellant waving a gun while masked likely incited an emotional reaction by the jury where Appellant was accused of murdering the decedent with a gun. Additionally, being devoid of any real probative value or relevance, the evidence was merely used by the state to show Appellant is a bad person and had the propensity to murder the decedent. The evidence was not relevant to any of the exceptions found in Rule 404(b) and no logical connection was shown nor could be shown by the state. Consequently, the trial court abused its discretion by admitting the video and the still shot from the video.

Respectfully, this Court should reverse Appellant’s convictions and remand for a new trial.

CONCLUSION

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

Respectfully submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 31st day of July, 2026.

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ALLON TRIANTE ADAMS,

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APPELLATE CASE NO. 2025-002363

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Allon Adams states:

1. She is an appellate defender for the South Carolina Office of Appellate Defense and was appointed to represent Appellant.
2. She has reviewed the record of Appellant's jury trial, which was held on November 17-21, 2025, before the Honorable Walton J. McLeod, IV, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Allon Adams.

Respectfully Submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 31st day of July, 2026.

STATE OF SOUTH CAROLINA

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Appeal from Lexington County

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APPELLATE CASE NO. 2025-002363

**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Complete Trial Transcript Dated November 17, 2025;
- (2) Complete Trial Transcript Dated November 18-21, 2025;
- (3) State's Exhibit No. 151 (Text Messages);
- (4) State's Exhibit No. 152 (CD);
- (5) State's Exhibit No. 153 (CD);
- (6) State's Exhibit No. 154 (CD);
- (7) State's Exhibit No. 156 (CD);
- (8) State's Exhibit No. 157 (CD);
- (9) State's Exhibit No. 158 (CD);
- (10) State's Exhibit No. 164 (Web Searches);
- (11) State's Exhibit No. 167 (Web History);
- (12) State's Exhibit No. 168 (Missing Person Information);
- (13) State's Exhibit No. 169 (CD);
- (14) State's Exhibit No. 170 (Photograph);
- (15) Indictments;
- (16) Sentence Sheets.

I certify that this designation contains no matter which is irrelevant to this appeal.


Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
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ATTORNEY FOR APPELLANT

This 31st day of July, 2026.

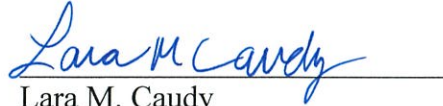
CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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SC Court of Appeals



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Senior Appellate Defender

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ATTORNEY FOR APPELLANT

This 31st day of July, 2026.

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STATE OF SOUTH CAROLINA

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APPELLANT

APPELLATE CASE NO. 2025-002363

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case have been served upon Melody J. Brown, Esquire, at her primary email address listed in the Attorney Information System (AIS); and on Allon Adams, #399346, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 31st day of July, 2026.



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

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SC Court of Appeals

From: [Mcinnis, Sara](#)
To: [Melody Brown](#)
Cc: [SC - BROWN ANGELA](#); [Caudy, Lara](#)
Subject: 2025-002363 The State v. Allon T. Adams Anders Brief of Appellant
Date: Friday, July 31, 2026 4:34:00 PM
Attachments: 2025-002363 The State v. Allon T. Adams Anders Brief of Appellant.pdf
2025-002363 The State v. Allon T. Adams Proposed Transportation Order.pdf
2025-002363 The State v. Allon T. Adams Record on Appeal Volume 1.pdf
2025-002363 The State v. Allon T. Adams Record on Appeal Volume 2.pdf

Good afternoon Ms. Brown,

Attached for service in the above-referenced case are the Anders Brief of Appellant, the accompanying Record on Appeal, and a proposed transportation order. These documents will be filed with the Court of Appeals today, July 31, 2026, via email filing.

Thank you,

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
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(803) 734-1330