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July 31 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Thomas William McGee, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BREONTE ALEXANDRIA GLASGOW,

APPELLANT

APPELLATE CASE NO. 2025-001004

ANDERS BRIEF OF APPELLANT

DAVID ALEXANDER
Deputy Chief Attorney for Capital Appeals

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES.....	ii
STATEMENT OF ISSUE ON APPEAL.....	1
STATEMENT OF THE CASE.....	2
STANDARD OF REVIEW.....	3
ARGUMENT.....	4
CONCLUSION.....	9
PETITION TO BE RELIEVED AS COUNSEL.....	10

TABLE OF AUTHORITIES

<u>Deck v. Missouri</u> , 544 U.S. 622, 630 (2005).....	6
<u>State v. Heyward</u> , 441 S.C. 484, 895 S.E.2d 658 (2023).....	5, 7
<u>State v. Tucker</u> , 320 S.C. 206, 464 S.E.2d 105 (1995).....	3, 5

STATEMENT OF ISSUE ON APPEAL

Did the trial court err in having appellant in shackles throughout her trial despite making no specific findings that such shackling was necessary?

STATEMENT OF THE CASE

Appellant was indicted in Richland County for homicide by child abuse and two counts of unlawful conduct towards a child and on May 12, 2025, was tried before the Honorable Thomas William McGee, III, and a jury. R. 1. Anna Browder, Kathryn Cavanaugh, and Morgan Monroe represented the State. R. 1. Eric Fox and Emily Coley represented appellant. R. 1. The jury convicted appellant. R. 829. Judge McGee sentenced her to forty-five years' imprisonment for homicide by child abuse and concurrent sentences of ten years' imprisonment for the unlawful conduct charges. R. 858.

STANDARD OF REVIEW

“Whether a defendant is restrained during trial is within the trial judge’s discretion. The trial judge is to balance the prejudicial effect of shackling with the considerations of courtroom decorum and security.” State v. Tucker, 320 S.C. 206, 209, 464 S.E.2d 105, 107 (1995).

ARGUMENT

The trial court erred in having appellant in shackles throughout her trial despite making no specific findings that such shackling was necessary.

Appellant became pregnant with quadruplets, three of which survived the pregnancy. R. 568. But those three children were born severely premature at twenty-four weeks gestation. R. 505. All three boys were tiny. R. 507-508. Infant One was smaller than 95 out of 100 other babies who were born at twenty-four weeks. R. 508. Infant One weighed only one pound, two ounces when he was born. R. 507.

The three children stayed in NICU in Charlotte for eleven weeks (from July to September) and then were transferred to Prisma Baptist in Columbia. R. 505-06. The boys were discharged from the hospital after another month, at different times in October 2022. R. 509. Infant One was the last one discharged. R. 509. He weighed about seven pounds when he left the hospital. R. 507.

On March 11, 2023, appellant called 911 for Infant One. R. 182. R. 229-30. She was upset and attempting CPR on Infant One. R. 229-30. Firemen were the first to respond and found Infant One with no signs of life. R. 184. The firemen and eventually EMTs administered CPR and took the child to the hospital. R. 184. R. 223. The emergency room doctors were unable to revive him and pronounced him dead. R. 445-50. The other two triplets were taken into protective custody as well as appellant's older child. R. 287-88. Appellant granted consent for the police to search her apartment and surrendered her cell phones voluntarily. R. 292-93. R. 307.

The pathologist testified that Infant One weighed nearly the same at his death as he did at his discharge from the hospital. R. 462. He had numerous scars on his body. R. 464. He had

fractures in both arms and in several ribs. R. 467-69. His brain had “three areas of resolving bruising” and evidence of bleeding. R. 480. The pathologist opined Infant One’s cause of death was “complications of non-accidental blunt head trauma and contributory conditions includ[ing] dehydration and neglect.” R. 483. However, the State presented no direct evidence that appellant caused the blunt head trauma.

To prove the extreme indifference element of homicide by child abuse, the State relied on a highly inflammatory video taken in January 2023. R. 375. Court’s Ex. 5. The video is eighteen minutes long, but the trial judge only allowed the State to play the first five minutes. R. 145. The State claimed the video showed appellant acting callously towards Infant One and his siblings and used and quoted extensively from the video in its opening and closing statements. Court’s Ex. 5. R. 168-69. R. 791. Appellant’s face is not visible on the video and appellant said that a babysitter and the babysitter’s daughter had access to her phone. R. 557.

Defense counsel objected early in the trial to appellant being in restraints. R. 250-57. He noted appellant was in leg chains, shackles, and a belt. R. 250. Defense counsel was told by courtroom security that it was their “policy now.” R. 250. Security personnel released one of appellant’s arms from the shackles but refused to remove the other restraints. R. 250-57. He asked the trial judge to order security to remove all of her restraints and gave the court the relevant authority, including State v. Heyward, 441 S.C. 484, 895 S.E.2d 658 (2023) and State v. Tucker, 320 S.C. 206, 464 S.E.2d 105 (1995). He argued that the risk that the jurors would see the one shackled arm or hear her leg restraints was high and that appellant was no security risk. R. 254. The State took no position on appellant’s restraints. R. 254. The judge said he would confer with courtroom security and make a ruling, R. 256-57.

When court resumed, the judge ordered that appellant remain in leg shackles. R. 263-64. The only reason given was that a single officer was present in the courtroom and that other defendants in cases involving serious charges had “an issue that’s come up.” R. 263-64. The court made no specific findings as to whether appellant herself was dangerous or had any history of behavior to cause any security concern. R. 263-64. The shackles remained on and defense counsel had to ask for them to be removed again when two deputies were present. R. 547.

Defense counsel again asked during another break for the shackles to be removed because three deputies were present. R. 705. Judge McGee said the officers told him “it would be unadvisable from their perspective” because the trial was nearly over and the defendant faced a potentially lengthy sentence. R. 705-06. Again, nothing specific to appellant’s behavior was part of the court’s ruling that her leg chains needed to remain. R. 705-06.

The trial court erred in refusing to remove appellant’s restraints during the trial. “Visible shackling undermines the presumption of innocence and the related fairness of the factfinding process.” Deck v. Missouri, 544 U.S. 622, 630 (2005). “[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. at 632. “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] judge [may], in the exercise of his or her 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.” Id., 544 U.S. at 633.

“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.” Heyward at 491-92, 895 S.E.2d at 662 (quoting Deck). “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.” Id. at 493, 895 S.E.2d at 663. “[A] defendant in a criminal trial 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. If the court finds restraints are necessary, it must make every reasonable effort to ensure the restraints are not visible to the jury.” Id.

In Heyward, “the trial court made no effort whatsoever to assess whether the shackles were necessary, nor to ensure the jury could not see them.” Id. at 494, 895 S.E.2d at 663. Failing to even exercise discretion was an error. Id. Here, the trial judge did confer with the deputies, but made no independent exercise of discretion. The court also made no findings that were specific to appellant. No evidence was put on the record that appellant was a flight risk, had given officers trouble in the past, or had in any way whatsoever been a security concern. The trial court essentially delegated its discretion to the deputies’ bureaucratic preferences. Doing so was error.

Visible shackles are inherently prejudicial. Id. at 505-06, 895 S.E.2d at 669-70. In Heyward, the Court found that even though the defendant was visibly shackled without just cause, the error was harmless because of the strength of the State’s case. Id. Here, if the jury heard appellant’s leg chains or saw her arm cuffed during the beginning of the trial, no overwhelming evidence can save the State’s case. The State did not produce any direct evidence

that appellant caused the injuries to Infant One's head. Appellant testified at a family court proceeding that she hired a babysitter six days a week to help her while she worked. R. 553. Appellant did not know how Infant One sustained his injuries. R. 552-53. She did not see the child's injuries. R. 560-61. Any error here cannot be harmless and this Court should reverse and remand for a new trial.

CONCLUSION

For the foregoing reasons, this Court should reverse appellant's convictions and remand for a new trial.

s/David Alexander
David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

This 31st day of July, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for Breonte Glasgow states:

1. He is Deputy Chief Attorney For Capital Appeals for the South Carolina Office of Appellate Defense, and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge , which was held on May 12-15, 2025, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S. Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

Wherefore, he asks the Court to relieve him as counsel for Breonte Glasgow.

Respectfully Submitted,

s/David Alexander
David Alexander
Deputy Chief Attorney for Capital Appeals

ATTORNEY FOR APPELLANT

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

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

- (1) True-billed indictment(s);
- (2) Trial transcript;
- (3) Court's Ex. 5 (video) (to be transported);
- (4) State's Ex. 36-39, 42, 44-46 (photographs) (to be transported).

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

s/David Alexander

David Alexander

Deputy Chief Attorney For Capital Appeals

South Carolina Commission on Indigent Defense

Division of Appellate 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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s/David Alexander

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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 has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Breonte Glasgow, #397466, at Camille Griffin Graham Correctional Center, 4450 Broad River Road, Columbia, SC 29210, this 31st day of July, 2026.

s/David Alexander

David Alexander

Deputy Chief Attorney For Capital Appeals

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