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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Charleston County
Honorable Jennifer B. McCoy, Circuit Court Judge

Opinion No. 6140 (S.C. Ct. App. filed March 11, 2026)

THE STATE,

RESPONDENT-PETITIONER,

V.

MARCUS A. WIGFALL,

PETITIONER-RESPONDENT

APPELLATE CASE NO. 2026-001581

PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS

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CERTIFICATE OF COUNSEL

Counsel for Mr. Wigfall certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on June 17, 2026. App. 462 – 472; App. 489 – 490.¹

QUESTIONS PRESENTED

1.

Whether the Court of Appeals erred in affirming the admission of the forensic interviewer's testimony she recommended the minor receive a mental health assessment, where improper bolstering is testimony that indicates the witness believes the victim but does not serve some other valid purpose, since the testimony served no legitimate purpose but it impermissibly vouched for the minor's credibility?

2.

Whether the Court of Appeals erred in affirming the admission of evidence the minor did receive counseling after she disclosed the alleged abuse, where testimony which improperly bolsters the credibility of the complainant is inadmissible, since the testimony indirectly conveyed to the jury that the minor was credible because counseling was given?

¹ On July 30, 2026, the State filed a substitute Joint Appendix with this Court. Citations to the record herein are to the page numbers in large print at the top right corner of the substituted Joint Appendix pages.

STATEMENT OF THE CASE

In June of 2020, Minor 1, who was approximately seventeen years old, told her mother that she had been sexually abused by her mother's boyfriend, Petitioner-Respondent Marcus Wigfall. Wigfall had been living with Minor 1, her twin brother (Minor 2), and their mother (Mother), since 2015. App. 183, l. 12 – 186, l. 22. Minor 1 told Mother the abuse happened approximately two or three times every couple of weeks for the last three years. App. 189, ll. 17-21; App. 153, ll. 15-19. Minor 1 alleged Wigfall once placed her hand on his crotch over his pants so that she felt his penis. Minor 1 further claimed that on multiple occasions Wigfall had performed oral sex on her and had attempted to penetrate her vagina with his penis, which hurt, but he was never successful because she was “closed” due to being a virgin. Minor 1 also said Wigfall gave her marijuana. App. 229, ll. 6-15; App. 116, l. 10 – 124, l. 12; App. 157, l. 10 – 158, l. 8.

Mother confronted Wigfall, and he denied the sexual abuse allegations. App. 203, ll. 20-25. Wigfall said he had, however, seen Minor 1 naked once. App. 191, l. 7 – 192, l. 2. He admitted to a police officer that he had given her marijuana. App. 262, ll. 7-14. A pediatric sexual assault nurse examiner examined Minor 1 and found her to have normal genital anatomy. App. 272, ll. 17-18; App. 276, l. 13 – 277, l. 4; App. 281, l. 15 – 283, l. 5. About a year *before* the disclosure, apparently while watching Law & Order, Mother had asked Minor 1 if anyone had touched her inappropriately or was “doing anything” to her: “She said no.” App. 198, ll. 11-25. Wigfall moved out of the home after Minor 1's allegations, but he and Mother continued to have a relationship. App. 193, ll. 1-14; App. 204, l. 4 – 208, l. 15.

Wigfall's work schedule was similar to the children's school schedule, so he watched them regularly. App. 111, ll. 5-15. Minor 1 claimed the abuse primarily occurred in Mother's bedroom while Mother was at work. App. 189, ll. 22-23; App. 118, l. 11 – 125, l. 3. According to Minor

1, Wigfall would text or call her from the bedroom to say, “Come here.” App. 121, ll. 10-14. However, only one text message from Wigfall to Minor 1 would ultimately be offered during Wigfall’s trial in which he asked Minor 1 to come here for the three-year time span of alleged abuse. App. 139, l. 20 – 141, l. 25; App. 393 – 394.

Minor 1 said Minor 2 was always at home when the abuse occurred. App. 121, ll. 17-21. Minor 2’s bedroom was next door to Mother’s bedroom. App. 144, ll. 18 – 145, l. 1. Mother testified Minor 2 usually had his bedroom door open. App. 201, ll. 13-15. Minor 2 stated it was usually closed. App. 166, ll. 12-14. Minor 2 never saw anything sexual happen between Wigfall and Minor 1. App. 166, ll. 18-19. Mother had never seen anything sexual or inappropriate between them either. App. 166, ll. 18-20; App. 211, ll. 18-25. Mother testified it was not unusual for her to stop by the home unannounced between shifts, and she was shocked and confused that abuse could have happened. App. 202, l. 2 – 203, l. 19. However, Mother stated there were times when she came home to find Wigfall in his and Mother’s bedroom on their bed and Minor 1 on the floor watching television. App. 188, ll. 1-17.

Wigfall was indicted for third-degree criminal sexual conduct with a minor; two counts of second-degree criminal sexual conduct with a minor; and contributing to the delinquency of a minor, and he was tried before the Honorable Jennifer B. McCoy and a jury, from February 6 – 8, 2023. Mary Ford and Kaitlin Cornwell-Goulouze represented Wigfall, while Deborah Herring-Lash and Catherine Fries prosecuted the case. App. 395 – 396.; App. 5, ll.17-21; App. 377, l. 24 – 378, l. 11; App 1.

During the testimony of Minor 1, and again during the forensic interviewer’s testimony, the solicitor improperly elicited that Minor 1 received counseling as a result of her disclosure. During Minor 1’s direct testimony, the following occurred.

Q. And [Minor 1], after this and after you told, did you go to some counseling?

MS. FORD: Objection, bolstering.

THE COURT: I'll allow it as phrased.

BY MS. HERRING-LASH:

Q. Just yes or no?

A. Yes.

Q. And [Minor 1], are you thankful that you told?

A. Yes, ma'am.

R. 143, ll. 12-20.

Later, the State put up testimony by Alix Desch, the forensic examiner who had interviewed Minor 1. The sole purpose of this was to bolster or vouch for the minor's credibility. This was not outcry evidence. The State had already introduced Mother's testimony that Minor 1 disclosed the abuse to her and Mother called the police on or about June 8, 2020. App. 183, l. 12 – 190, l. 4. It had already introduced the testimony of Detective Perez, who testified he responded to the initial report of a sexual assault of a juvenile on June 11, 2020, and interviewed Minor 1 about it. App. 223, l. 19 – 227, l. 21. It had already introduced the testimony of Minor 1's friend, Ivy Grinnage, who testified Minor 1 disclosed the abuse to her in the fall of 2019 or early winter of 2020. App. 174, l. 20 – 176, l. 25. The State had gotten time and place confirmation evidence before the jury from multiple other witnesses prior to calling Desch.

Because Minor 1 was a teenager rather than a child at the time of her disclosure, the video recording of Desch's interview was not admissible. *See* S.C. Code Ann. § 17-23-175 (requirements for admissibility of out-of-court statement of child sexual abuse victim under the age of twelve). Desch did not provide a foundation for any exhibits; none were entered through

her testimony. Nevertheless, the solicitor did try to get into the fact that the video was ordinarily admissible in court with Desch, but the judge sustained that objection. App. 232, ll. 11-17. Desch was not needed as a child abuse dynamics expert, as the State introduced the testimony of a different witness for that purpose. App. 287, l. 6 – 302, l. 17.

Forensic Interviewer Desch’s testimony is located at pp. 230 – 235 of the Appendix. She began by testifying she held degrees in psychology and social work and worked at the Dee Norton Child Advocacy Center, having been employed there for approximately seven years. App. 230, l. 18 – 231, l. 2. She referred to “paperwork” and “records” she had regarding her two interviews of Minor 1. App. 231, ll. 12-16. Her testimony also included the following.

Q. And as part of your job, do you aid law enforcement in interviewing victims?

A. Yes, I do.

Q. Is that a policy that law enforcement needed to help in their investigations?

A. Yes, it is.

Q. And in that capacity, did you see [Minor 1]?

A. Yes.

Q. When did you see her?

A. . . . I saw [Minor 1] on two separate occasions. The first was on June 18 of 2020, followed by a second session on June 23 of 2020.

. . .

Q. And when accompanied by a parent, do they typically sit in on the interview?

A. No. So a part of the interview process at Dee Norton is that family members or caregivers are not allowed to actually be in the interview while it’s taking place. It is held one-on-one with myself as the interviewer and the child. And then our law enforcement partners are able to live observe through closed-caption television. So they can see what’s occurring, but they’re not actually in the room.

Q. So is that interview audio and video recorded?

A. Yes, it is.

Q. And are you aware of a rule that allows the interview to be played in court?

MS. FORD: Objection, relevance.

THE COURT: Sustained, Go ahead.

BY MS. FRIES:

Q. Did [Minor 1] tell you about being sexual [sic] assaulted?

A. Yes.

MS FORD: Objection, I think this is cumulative, your Honor, based on the bolstering of the other witnesses and everything.

THE COURT: Overruled. I'll allow it as phrased.

...

Q. And when was the last time you saw [Minor 1]?

A. To my recollection, the last time I saw her was on June 23. Typically when I conduct an interview with a child, I don't have any reason to see them afterwards and **I'm not involved in any of their future services at our center.**

Q. **Did you make any referrals to her?**

A. **So we make standard—**

MS. FORD: **Objection, vouching.**

THE COURT: Overruled. Go ahead.

BY MS. FRIES:

A. **At Dee Norton, we make a standard recommendation for every child that comes to our center to have their case staffed with our multidisciplinary team so that we can all convene and discuss with the investigators what's going on, as well as referring for a mental-health assessment to see if any ongoing support or treatment is needed after an initial consult.**

Q. And is that pretty standard?

A. Yes, ma'am.

Q. Do you know if she followed through with that referral?

A. I don't have those records in front of me, but I have been informed that she did follow up—

MS. FORD: Objection.

THE COURT: Sustained. She can only testify of her own personal knowledge.

App. 231, l. 3 – 234, l. 10 (emphasis added).

The jury struggled with the case. It deliberated for approximately six hours. It asked to be recharged twice. It acquitted Wigfall of two counts of second-degree criminal sexual conduct with a minor and convicted him of third-degree criminal sexual conduct with a minor and contributing to the delinquency of a minor. App. 366, l. 2 – 378, l. 16. He was sentenced to fifteen years' imprisonment suspended upon the service of twelve years' imprisonment and five years of probation; and to a concurrent three-year term of imprisonment, respectively. App. 390, l. 13 – 391, l. 1.

Wigfall served his notice of appeal on February 16, 2023. The Court of Appeals heard oral argument on April 8, 2025. On March 11, 2026, the Court of Appeals issued an opinion in which it reversed his convictions and sentences. *State v. Wigfall*, Op. No. 6140 (S.C. Ct. App. filed March 11, 2026) (Howard Adv. Sh. No. 10 at 9). App. 438 – 461. The Court of Appeals held the “trial court erred in allowing Desch to testify about law enforcement involvement.” *State v. Wigfall*, Op. No. 6140. App. 450.

However, the Court of Appeals rejected Wigfall's argument that the admission of Minor 1's testimony she received counseling after she disclosed the alleged abuse and Desch's testimony regarding the mental health assessment were in error because they conveyed to the jury Minor 1

was credible. The Court of Appeals cited to *State v. Makins*, 433 S.C. 494, 860 S.E.2d 666 (2021), and *State v. Eubanks*, 437 S.C. 458, 878 S.E.2d 335 (Ct. App. 2022), and concluded the testimony was similar to that given in *Makins* and Wigfall's argument was rejected in *Makins*. *State v. Wigfall*, Op. No. 6140. App. 450 – 454. The Court of Appeals also rejected Wigfall's argument that Desch's testimony she made a "standard" recommendation was an impermissible comment on the credibility of a class of persons to which the victim belongs, reasoning that "if the interviewers are making the same referrals for every child, they are not undertaking any analysis into whether those children are being truthful." *State v. Wigfall*, Op. No. 6140. App. 454, n. 6.

Wigfall and the State both sought rehearing and the Court of Appeals denied rehearing. App. 462 – 490. This petition for writ of certiorari to the Court of Appeals follows.

ARGUMENT

1.

The Court of Appeals erred in affirming the admission of the forensic interviewer's testimony she recommended the minor receive a mental health assessment, where improper bolstering is testimony that indicates the witness believes the victim but does not serve some other valid purpose, since the testimony served no legitimate purpose but it impermissibly vouched for the minor's credibility.

Desch did not perform the valid functions that a forensic interviewer may perform at trial, such as laying the foundation for a video of the interview. It was error to permit her to testify that she interviewed Minor 1 and as a result referred Minor 1 for a mental health assessment. The testimony improperly bolstered Minor 1's credibility. *See Briggs v. State*, 421 S.C. 316, 329, 806 S.E.2d 713, 720 (2017) (forensic interviewer's testimony improper where it indirectly revealed she believed child's disclosure was the truth); *State v. Chavis*, 412 S.C. 101, 109, 771 S.E.2d 336,

340 (2015) (forensic interviewer’s recommendation the defendant not be around the victim for any reason improperly bolstered the victim’s credibility).

The Court of Appeals erred in finding *State v. Makins (Makins I)*, 433 S.C. 494, 860 S.E.2d 666 (2021), was dispositive on this issue. App. 453. This case should be distinguished from that case. The minor in *Makins* was a very young child—five years old when the abuse began and eight years old when she disclosed and was interviewed. *State v. Makins (Makins II)*, 428 S.C. 440, 443, 835 S.E.2d 532, 534 (Ct. App. 2019), *rev’d*, 433 S.C. 494, 860 S.E.2d 666 (2021). In that case, the testimony of the minor’s therapist, Rich, was needed because the minor produced a graphic drawing for Rich to illustrate the “worst” act of sexual abuse Makins perpetrated on her, as the child was initially reluctant to talk about those details. *Makins I*, 433 S.C. 499, 860 S.E.2d at 669. This Court explained: “Rich’s testimony as Minor’s treating therapist was required to lay the foundation for introducing Minor’s graphic drawing into evidence. Minor’s drawing and her disclosure to Rich were the basis of the most serious charge against Makins—first-degree CSC with a minor. Therefore, Rich’s testimony served a purpose other than to vouch for Minor’s credibility.” *Id.*, 433 S.C. at 504–05, 860 S.E.2d at 672.

The Court of Appeals also relied on *State v. Eubanks*, 437 S.C. 458, 878 S.E.2d 335 (Ct. App. 2022), in its reasoning. App. 452 – 453. That case is also different from this one. In *Eubanks*, the testimony of the mental health professionals that the child had post-traumatic stress disorder (PTSD) and received trauma-focused therapy “was probative to show Child suffered some trauma and to refute Eubanks’s contention that nothing happened, or that if anything inappropriate happened, it happened while both were asleep.” *State v. Eubanks*, 437 S.C. at 475, 878 S.E.2d at 345.

The circumstances in *Makins* and *Eubanks* were not present in this case. Desch did not lay a foundation for other evidence, as the interview video was inadmissible given the minor's age. *See* S.C. Code Ann. § 17-23-175 (requirements for admissibility of out-of-court statement of child sexual abuse victim under age of twelve); *State v. Whitner*, 399 S.C. 547, 559, 732 S.E.2d 861, 867 (2012) (forensic interviewer's testimony was for limited purpose of laying proper foundation for admission of videotape and did not vouch for credibility of alleged victim). Desch's testimony did not refute the defendant's story. Nor did Desch give testimony about child sexual abuse dynamics: the State put up a different witness for that. *See, e.g., State v. Jones*, 423 S.C. 631, 636, 817 S.E.2d 268, 271 (2018) ("behavioral characteristics of sex abuse victims is an area of specialized knowledge where expert testimony may be utilized").

She was not needed for time and place testimony. *See* Rule 801(d)(1)(D), SCRE (a statement is not hearsay if the declarant testifies at the trial and is subject to cross-examination concerning the statement, and the statement is: "D) consistent with the declarant's testimony in a criminal sexual conduct case or attempted criminal sexual conduct case where the declarant is the alleged victim and the statement is limited to the time and place of the incident"). Prior to Desch's testimony, the State had already introduced Mother's testimony that Minor 1 disclosed the abuse to her and Mother called the police in June of 2020. App. 183, l. 12 – 190, l. 4. It had already introduced the testimony of Detective Perez, who testified he responded to the initial report of a sexual assault of a juvenile in June of 2020, and interviewed Minor 1 about it. App. 223, l. 19 – 227, l. 21. It had already introduced the testimony of Minor 1's friend, Ivy Grinnage, who testified Minor 1 disclosed the abuse to her in the fall of 2019 or early winter of 2020. App. 174, l. 20 – 176, l. 25. "It is undeniable that the primary purpose for calling a 'forensic interviewer' as a witness is to lend credibility to the victim's allegations." *State v. Kromah*, 401 S.C. 340, 358, 737

S.E.2d 490, 499 (2013). Desch’s testimony fell outside of the proper scope of forensic interviewers. There was no purpose to call this witness other than to bolster the minor’s credibility.

The Court of Appeals also erred in concluding that because Desch couched her mental health referral as a “standard” recommendation, it was not bolstering. App. 454, n. 6. Recall that the Court of Appeals simultaneously concluded Desch’s testimony about her investigative role, some of which was also couched in “standard” terms, *was* bolstering. App. 449 – 450. *See State v. Anderson*, 413 S.C. 212, 221, 776 S.E.2d 76, 80 (2015) (“There is to be no testimony . . . that the purpose of the interview is to allow law enforcement to determine whether a criminal investigation is warranted.”). The question the solicitor asked Desch was: “Did you make any referrals to [sic] her?” App. 233, l. 16. The solicitor then asked Desch if the minor followed through with that referral, although the court sustained the resulting objection on that. At this point, the jury had already heard Minor 1 testify she did receive counseling because she “told.” If the jury was to read nothing into the “standard” referral testimony, then the jury did not need to hear about it. The solicitor wanted the jury to hear Desch, the Child Advocacy Center employee with degrees in psychology and social work, say she referred Minor 1 for mental health follow-up after conducting two interviews with her about the allegations. Desch’s testimony she referred the minor for a mental health assessment indicated she believed the minor was telling the truth. This “standard” recommendation testimony also implied Desch believed children did not lie about sexual abuse; more specifically, it implied she believed that the children seen by the Dee Norton Child Advocacy Center were not lying about being abused. *See Chappell v. State*, 429 S.C. 68, 74-78, 837 S.E.2d 496, 499-501 (Ct. App. 2019) (testimony from expert witness that “[c]hildren don’t often lie about sexual abuse incidents,” was improper bolstering: “a comment on the

credibility of a class of persons to which the victim belongs is a comment on the credibility of the victim”).

The testimony impermissibly bolstered or vouched for the minor’s credibility. “The assessment of witness credibility is within the exclusive province of the jury.” *Makins I*, 433 S.C. at 501, 860 S.E.2d at 670 (quoting *State v. McKerley*, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct. App. 2012)). A “witness cannot bolster the credibility of another witness because doing so invades the province of the jury.” *Makins I*, 433 S.C. at 502, 860 S.E.2d at 670-71 (citing *Briggs v. State*, 421 S.C. at 328, 806 S.E.2d 713 at 719). See *State v. Kromah*, 401 S.C. at 360, 737 S.E.2d at 500 (forensic interviewer should avoid testimony that indicates to the jury the interviewer believes the child’s allegations); *State v. Jennings*, 394 S.C. 473, 480, 716 S.E.2d 91, 94 (2011) (trial court erred in “allowing the State to introduce the reports because they allowed the forensic interviewer to improperly vouch for the children’s veracity).

The error was not harmless for the same reasons the Court of Appeals correctly found Desch’s investigatory testimony was not harmless. App. 454 – 458. “An appellate court generally will decline to set aside a conviction due to insubstantial errors not affecting the result.” *State v. Kromah*, 401 S.C. at 360, 737 S.E.2d at 501. “Error is harmless beyond a reasonable doubt where it did not contribute to the verdict obtained.” *State v. Pagan*, 369 S.C. 201, 212, 631 S.E.2d 262, 267 (2006). “In applying the harmless error rule, the court must be able to declare the error had little, if any, likelihood of having changed the result of the trial and the court must be able to declare such belief beyond a reasonable doubt.” *State v. Watts*, 321 S.C. 158, 165, 467 S.E.2d 272, 277 (Ct. App. 1996).

The jury struggled with the minor’s credibility, deliberating for six hours, asking to be recharged twice, and ultimately acquitting on two offenses. Although Minor 1 claimed that the

sexual abuse happened frequently for three years, and that her brother was always home at the time, her brother did not see any misconduct. Her mother did not see misconduct when she would come home unexpectedly between shifts. The minor's testimony was the only direct evidence of abuse—her credibility was key. *See Thompson v. State*, 423 S.C. 235, 249, 814 S.E.2d 487, 494 (2018) (PCR applicant was prejudiced by admission of forensic interviewer's bolstering testimony which vouched for victim's credibility where the only evidence petitioner was perpetrator was victim's testimony); *Smith v. State*, 386 S.C. 562, 569, 689 S.E.2d 629, 633 (2010) (applicant prejudiced by forensic interviewer's improper bolstering of victim's credibility where the outcome of the case "hinged on the Victim's credibility regarding identification of the perpetrator, and there was otherwise an absence of overwhelming evidence of Smith's guilt"); *Chappell v. State*, 429 S.C. at 81, 837 S.E.2d at 503 ("our courts have found improper bolstering testimony was prejudicial in every South Carolina case in which the State presented no physical evidence of the defendant's guilt or relied solely on the victim's testimony to establish the details of the crime").

2.

The Court of Appeals erred in affirming the admission of evidence Minor 1 received counseling after she disclosed the alleged abuse, where testimony which improperly bolsters the credibility of the complainant is inadmissible, since the evidence conveyed to the jury that Minor 1 was credible because counseling was given.

The minor's testimony improperly encouraged the jury to conclude she was telling the truth because she was given counseling. "The assessment of witness credibility is within the exclusive province of the jury." *State v. Makins*, 433 S.C. 494, 501, 860 S.E.2d 666, 670 (2021) (quoting *State v. McKerley*, 397 S.C. 461, 464, 725 S.E.2d 139, 141 (Ct. App. 2012)). "[A] witness may

not give testimony that improperly bolsters the credibility of the victim.” *Chappell v. State*, 429 S.C. 68, 75, 837 S.E.2d 496, 499 (Ct. App. 2019) (cleaned up).

In *State v. Chavis*, 412 S.C. 101, 109, 771 S.E.2d 336, 340 (2015), this Court found a forensic interviewer’s testimony that she recommended the defendant not be around the victim for any reason could only be interpreted as the interviewer believing the victim’s claim the defendant sexually abused her. This Court found the testimony improperly bolstered the victim’s credibility. *Id.* In this case, Minor 1’s testimony, that because she “told” about being sexually abused she received counseling, imparted to the jury that a counselor believed she had been sexually abused.

The context the jury had for this testimony was the erroneously admitted testimony discussed above in Issue 1, that Desch, the Child Advocacy interviewer with degrees in psychology and social work, referred Minor 1 for a mental health assessment. The solicitor wanted the jury to hear that pursuant to Desch’s recommendation, a counselor did assess the minor and did determine that she needed counseling. In other words, Desch smelled smoke and the counselor saw fire. This evidence should also be considered in light of the error upon which the Court of Appeals reversed the case—testimony that the Desch also referred the case for investigation. The testimony indirectly bolstered Minor 1’s credibility. *See Briggs v. State*, 421 S.C. 316, 324, 806 S.E.2d 713, 717 (2017) (“a witness may not give an opinion for the purpose of conveying to the jury—directly or indirectly—that she believes the victim”).

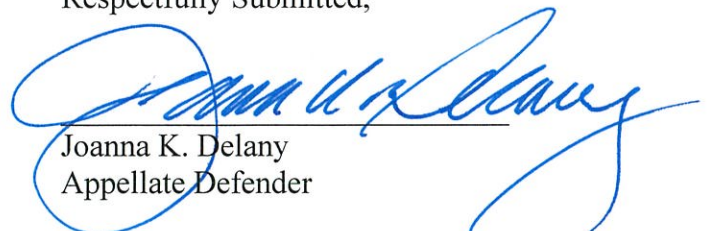
The error was not harmless for the same reasons the Court of Appeals correctly found Desch’s investigatory testimony was not harmless. App. 454 – 458. “An appellate court generally will decline to set aside a conviction due to insubstantial errors not affecting the result.” *State v. Kromah*, 401 S.C. 340, 360, 737 S.E.2d 490, 501 (2013). “Error is harmless beyond a reasonable doubt where it did not contribute to the verdict obtained.” *State v. Pagan*, 369 S.C. 201, 212, 631

S.E.2d 262, 267 (2006). “In applying the harmless error rule, the court must be able to declare the error had little, if any, likelihood of having changed the result of the trial and the court must be able to declare such belief beyond a reasonable doubt.” *State v. Watts*, 321 S.C. 158, 165, 467 S.E.2d 272, 277 (Ct. App. 1996). This jury deliberated for six hours, asked to be recharged twice, and acquitted on two offenses, demonstrating that it struggled with the minor’s credibility. Although Minor 1 claimed that the sexual abuse happened frequently for three years, and that her brother was always home at the time, her brother did not see any misconduct. Her mother came home unexpectedly between shifts and did not see misconduct. The evidence bolstered the minor’s credibility in a case which depended upon her credibility. *See Chappell v. State*, 429 S.C. at 81, 837 S.E.2d at 503 (“our courts have found improper bolstering testimony was prejudicial in every South Carolina case in which the State presented no physical evidence of the defendant’s guilt or relied solely on the victim’s testimony to establish the details of the crime”).

CONCLUSION

Petitioner-Respondent Wigfall respectfully requests this Court grant the petition for writ of certiorari and order full briefing on the issues presented.

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

ATTORNEY FOR PETITIONER-
RESPONDENT

This 14th day of August, 2026.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Charleston County
Honorable Jennifer B. McCoy, Circuit Court Judge

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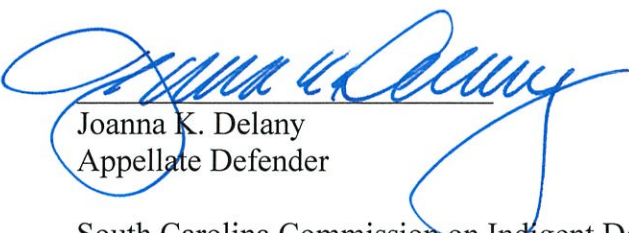
MARCUS A. WIGFALL,

PETITIONER-RESPONDENT

APPELLATE CASE NO. 2026-001581

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the petition for writ of certiorari to the Court of Appeals in the above-referenced case has been served upon Mark R. Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and the South Carolina Court of Appeals; and on Marcus A. Wigfall, #390220, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 14th day of August, 2026.



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