

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Aug 26 2026
SC Court of Appeals

Appeal from Orangeburg County

Honorable Maite Murphy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CALIK TRAVONE GUINYARD,

APPELLANT

APPELLATE CASE NO. 2026-000281

ANDERS BRIEF OF APPELLANT

W. CHANDLER NORVILLE
Appellate Defender

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Division of Appellate Defense
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred by excluding members of the public from Appellant's trial?

STATEMENT OF THE CASE

On June 1, 2022, an Orangeburg County grand jury indicted Appellant for murder. R. 505-06. The case was tried between January 27 and 29, 2026, before the Honorable Matie Murphy and a jury. R. 1. Melisa Gay represented Appellant; assistant solicitors Bethany Mills and Gabrielle Williams represented the state. R. 1. The jury convicted Appellant as indicted. R. 488. Judge Murphy sentenced Appellant to life imprisonment. R. 503, ll. 2-3.

This appeal follows.

STATEMENT OF FACTS

The state alleged that, on December 14, 2020, Appellant, Sayquan Harrison, and Aloysius Green went to the home of Karl Williams and killed him. Green testified that he, Appellant, and Harrison went to Williams's house purportedly to purchase marijuana. R. 175, ll. 4-8. When they arrived, Harrison went to the door while Appellant and Green stayed at the car they arrived in. R. 176, ll. 4-11. Harrison shot Williams when he came to the door, and Green heard Appellant shoot at Williams from the car. R. 177, ll. 11-22.

Immediately prior to Green's testimony, the trial court excused the jury from the courtroom. Then, the trial court stated:

I have had the opportunity to meet with Counsel in chambers regarding certain concerns that were brought to the Court's attention. At this time, I am going to ask security to please...escort out all members of the gallery that are not essential members of this particular trial, other than, of course, the Defendants, Defense counsel, members of the solicitor's office, but other members of the gallery are to be escorted out at this time. The media may stay in at this time and I can certainly put my findings on the record as to why I wish to exclude members of the gallery.

R. 167, ll. 13-24. The trial court explained that it was excluding the public due to "some credible threats to the safety of the next witness and out of an abundance of caution...." R. 169, ll. 6-7. The trial court also explained that it would make "what has been brought to the Court's attention" a court's exhibit, but it does not appear that the trial court did so. R. 169, ll. 17-18. The trial court also found that neither party was prejudiced by the exclusion. R. 170, ll. 12-13. Neither party objected to the exclusion of the public. R. 169, l. 7.

STANDARD OF REVIEW

The standard of review for the erroneous closing of a trial to the public appears to be abuse of discretion. *State v. Sinclair*, 275 S.C. 608, 614, 274 S.E.2d 411, 414 (1981).

ARGUMENT

The trial court erred by excluding members of the public from Appellant's trial.

By excluding the public from Appellant's trial, the trial violated Appellant's right to a public trial. Because the trial court did not make specific findings of fact supporting this decision, and because the trial court did not consider alternatives, the trial court committed structural error. This Court should reverse.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and *public* trial...." U.S. Const. amend. VI (emphasis added); *In re Oliver*, 333 U.S. 257, 273 (1948) (right to public trial is incorporated onto the states by the Fourteenth Amendment). "This protection is for the benefit of the accused, so the public may see that he is dealt with fairly, and the public's presence may keep his triers aware of the importance of their functions." *State v. Bell*, 293 S.C. 391, 397, 360 S.E.2d 706, 709 (1987). Of course, "the right to an open trial may give way in certain cases to other rights or interests, such as the defendant's right to a fair trial or the government's interest in inhibiting disclosure of sensitive information." *Waller v. Georgia*, 467 U.S. 39, 45 (1984). "Such circumstances will be *rare*, however, and the balance of interests must be struck with special care." *Id.* (emphasis added).

To that end, the trial court must ensure that the closure is "no broader than necessary," and the trial court "must consider reasonable alternatives to closing the proceeding, and it must make findings adequate to support the closure." *Id.* at 48. The trial court's duty to consider alternatives to closure is an absolute duty that the trial court must perform, even if the accused does not offer up alternatives to closure. *Presley v. Georgia*, 558 U.S. 209, 214 (2010). Even when the parties *agree* on closure, the trial court may still commit constitutional error by closing the courtroom. *See generally, Press-Enterprise Co. v. Superior Court of California, Riverside*

Cnty., 464 U.S. 501 (1984). The erroneous closing of the courtroom is a structural error, meaning it is not subjected to harmless error analysis. *See, e.g., State v. Lee-Grigg*, 374 S.C. 388, 412, 649 S.E.2d 41, 53 (Ct. App. 2007).

Here, the trial court closed the courtroom because of “credible threats” to Green’s safety and “out of an abundance of caution.” There are two problems with this approach. First, the trial court did not specify what the “credible threats” were, who made them, or why they necessitated closing the courtroom. For example, if the threats were made by someone in the audience, the trial court could have taken the less restrictive step of removing that person, while permitting the remainder of the public to remain in the courtroom. *Waller*, 467 U.S. at 48 (trial court must consider alternatives to closing). The trial court’s failure to mark the document it was apparently referring to as a court’s exhibit deprived this Court of the ability to undertake appellate review of the reasonableness of the trial court’s decision. On this record, the trial court did not undertake the required balancing that *Waller* and *Presley* require.

Second, the trial court closing the trial “out of an abundance of caution” misses the forest for the trees. The trial court must be cautious *not* to close the trial and may only do so after considering reasonable alternatives and finding that closing the trial is the only way to further other rights or interests. *See Bell*, 293 S.C. at 397, 360 S.E.2d at 709 (“Any order restricting the right to a public trial must be closely scrutinized to assure there is no impermissible infringement on the right.”). The trial court was required to conduct fact finding and consider any and all alternatives to closing the courtroom. *Waller*, 467 U.S. at 48; *Presley*, 558 U.S. at 214. Rather, it did not do so, instead closing the courtroom “out of an abundance of caution,” meaning it viewed closing the courtroom as *safer* than the constitutional default. This was error.

Finally, Appellant concedes that the trial court's closure order was not objected to below. However, this Court should treat the violation of the right to a public trial as an exception to the typical error preservation rules. The right to a public trial is not just a right guaranteed to Appellant, but "the public has a right to be present whether or not any party has asserted the right." *Presley*, 558 U.S. at 214. "Trial courts are obligated to take every reasonable measure to accommodate public attendance at criminal trials." *Id.* at 215. Even though Appellant did not object to the closure, the trial court was still required to undertake the same analysis. The ultimate purpose of error preservation rules are "to give the trial court a fair opportunity to rule on the issues, and thus provide [the Court] with a platform for meaningful appellate review." *Queen's Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*, 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006). Here, the trial court's duty did not change, even in the absence of Appellant's objection. Therefore, this Court's consideration of the issue on the merits would not work unfairness to the trial court. Accordingly, since the rationale behind the error preservation rules are not present in this case, this Court should consider the merits.

CONCLUSION

For the foregoing reasons, this Court should reverse Appellant's conviction and sentence and remand for a new trial.



W. Chandler Norville
Appellate Defender

ATTORNEY FOR APPELLANT

This 26th day of August, 2026.

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PETITION TO BE RELIEVED AS COUNSEL

Counsel for Calik Guinyard states:

1. He is Appellate Defender 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 Maite Murphy, which was held on Jan. 26-29, 2026, 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 Calik Guinyard.

Respectfully Submitted,



W. Chandler Norville
Appellate Defender

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: 2021-GS-38-1784
- (2) Entire trial transcript.

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



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This 26th day of August, 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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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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Calik Guinyard, #399968, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 26th day of August, 2026.



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