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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM JASPER COUNTY
Honorable Robert J. Bonds, Circuit Court Judge

Published Opinion No. 6152 (S.C. Ct. App. filed July 1, 2026).
Appellate Case No. 2026-001682

THE STATE, PETITIONER

v.

BRIAN JAMEL REDDING,RESPONDENT.

REPLY TO RETURN TO PETITION FOR WRIT OF CERTIORARI

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WHY CERTIORARI SHOULD BE GRANTED

The Court of Appeals abandoned the standard of review appropriate for the review of a denial of directed verdict and essentially viewed the evidence in the light most favorable to Redding by (1) improperly reviewing the State's evidence in an overly reductive manner, thereby isolating the significance of certain pieces of evidence from the rest of the State's case; (2) improperly weighing Redding's alibi defense against the State's evidence; and (3) improperly assessing Redding's defense as a factual matter in a manner not supported by the record.

STATEMENT OF THE CASE

During their June 2021 term, a Jasper County grand jury indicted Respondent Brian Jamel Redding for murder and possession of a weapon during the commission of a violent crime. (App. 878–881). Redding proceeded to a jury trial before the Honorable Robert J. Bonds from August 15–19, 2022. Redding was represented by Carolyn Carmody, Esq. while Assistant Solicitor Hunter Swanson represented the State. (App. 1). At the end of trial, the jury found Redding guilty as indicted. (App. 858). Judge Bonds sentenced Redding to a term of 48-years imprisonment for murder and five years concurrent for the weapons offense. (App. 877).

Redding appealed, and briefing was finalized in early 2024. (App. 888–907). On July 1, 2025, the Court of Appeals issued a published opinion reversing without oral argument, finding that the trial court erred in denying Redding’s motion for directed verdict. (App. 930–938; *State v. Redding*, Op. No. 6152 (S.C. Ct. App. filed July 1, 2026)). The State petitioned for rehearing on July 13, 2026. (App. 939–953). By order dated July 21, 2026, the Court of Appeals denied the State’s petition for rehearing. (App. 954). The State filed its petition for writ of certiorari on July 30, 2026. Redding filed his return on August 31, 2026.

This brief reply follows.

ARGUMENT

Redding’s arguments against granting certiorari continue to duplicate the erroneous analysis made by the Court of Appeals in isolating major pieces of the State’s case from the rest of the evidence, improperly weighing his evidence against the State’s, and in maintaining an alibi theory contradicted by his own expert’s testimony

Redding continues to assert that the State failed to present “any evidence” that Redding killed Victim, arguing that the State only presented evidence that Redding was the last person to see Victim alive, Redding had access to a teal or aqua firearm in the month’s before Victim’s death, Redding was controlling towards Victim and there were “difficulties” in the relationship, Redding changed his shirt that morning, and Redding had two particles of GSR on the front right side of his shorts. Additionally, Redding maintains that he presented an “alibi that was corroborated by several witnesses as well as his cell site location information establishing that he *could not have* killed [Victim].” (Return at 12–13) (emphasis added). Petitioner respectfully contends that these tired arguments merely further expose the Court of Appeals’ failure to properly assess the evidence in this case in line with the appropriate standard of review when reviewing the denial of directed verdict.

As to Redding’s recitation of the State’s evidence against him, Petitioner again contends this is a highly reductive summary of the State’s case. As to the gun evidence, it was not just that Redding himself had access to a teal or aqua firearm in the “months” before Victim’s death. Rather, Paige Mayma, one of Victim’s sisters, specifically testified that she had ample opportunity to see Redding with a blue or turquoise 9mm firearm on multiple occasions—in fact she had handled it herself and even gave Redding a grip for it that did not fit her own gun. The last time she saw this gun was *a couple of days* before Victim’s death. And not only did Paige see this blue gun with Redding, but also with *Victim*. (App. 324–327). Taniya Payne, a friend of Victim, testified she saw

the gun in person while visiting Victim and Redding a week and a half prior to Victim's death. (App. 304–310, 318–319). Another sister, Taylor Cowherd, also saw Redding with this “pretty blue” or “aqua/teal” gun. (App. 254). The State's case-agent corroborated the eyewitnesses in her observation of a Facebook video depicting Redding holding an aqua, teal, or turquoise firearm. (App. 397). The firearms expert testified that a projectile recovered from the scene could only have been fired by a firearm manufactured by SCCY. The expert further testified that SCCY manufactured teal colored 9mm handguns, specifically their CPX series. The State admitted a photograph of a 9mm SCCY CPX 2. The expert noted that such a firearm (like most handguns) would eject a spent casing to the right of the gun. (App. 358–363). Viewing this evidence in the light most favorable to the State, the record showed that Redding possessed a blue 9mm handgun, likely an SCCY model, that both Redding and Victim were seen with and had access to.

Redding also omitted an additional piece of critical forensic evidence presented by the State—that is, the DNA examiner's conclusion that Victim's DNA was on the single 9mm casing found on the scene between her bed and the wall at the back of the motel room. (App. 488–491). Given Victim's position on the bed with a contact wound to her forehead, where the casing was located between the bed and the wall, where Victim's blood was, and the firearm expert's testimony about the ejection pattern of the SCCY firearm, there is *no evidence* in the record suggesting that Victim's DNA made contact with the casing during or as a result of the shooting itself. (*See also* State's Ex. 4). Viewing this evidence in the light most favorable to the State, especially when considered in addition to the other gun evidence, the record supported an inference that Victim's DNA got on the casing before the shooting which would be consistent with her and Redding having access to the same blue SCCY 9mm firearm. Said firearm was then used to shoot Victim in the

head, and suicide was expressly ruled out. The Court of Appeals merely mentioned this evidence in passing, as does Redding now.

In addition to testifying to the controlling behavior exhibited by Redding with respect to Victim, Redding also omitted the fact that witnesses testified that Victim was guarded regarding who or when people could visit, and that she had a habit of locking the door. (App. 290–291, 306–307, 322–324). Moreover, the record showed that only two people had access to that motel room—the motel manager and Redding. There were no signs of forced entry and no evidence of suicide. *All of this evidence*, including the other evidence cited by Redding, considered together in the light most favorable to the State, provided substantial circumstantial evidence of Redding’s guilt sufficient to send the case to the jury.

As to Redding’s continual reliance on his alibi, Petitioner again underscores the fact that this alibi was contradicted by his own expert testimony placing him at the motel for twenty minutes—not a minute or two, not five minutes or less, but *twenty*. Redding’s further claim that it was *impossible* for him to kill Victim based on the cell site location data presented by his expert is simply implausible. Rather, the cell site location data placing Redding at the motel for twenty minutes supports the conclusion that Redding killed Victim during that timeframe or otherwise fails to disprove that Redding killed Victim earlier that morning and then used the twenty minutes to buy time or further stage the scene at the motel.¹ The clear inconsistency between Redding’s

¹ Recall that the last recorded interactions on Victim’s phone occurred at 8:09 and 8:12 AM, right after Redding’s phone arrives in the vicinity of the motel at 8:06 AM—suggesting either Victim was shot and killed within that twenty-minute timeframe shortly after Redding’s arrival, or that Redding used her phone to make it appear as though she was alive before he left again. Other testimony suggested Redding had access to Victim’s phone. (See App. 292, 573–574, 579–580).

own expert testimony and his own account is only one damaging aspect of his case.² Again, under the waiver rule, Petitioner contends that looking at Redding's evidence in the light most favorable to the State further supports the State's theory that Redding killed Victim and concocted a fictitious alibi after the fact. *See State v. Hepburn*, 406 S.C. 416, 753 S.E.2d 402 (2013). In taking Redding's account at face value without any further scrutiny, the Court of Appeals failed to appropriately consider the record in the light most favorable to the State, instead weighing the evidence against the State in a manner not supported by the record. *See State v. Bennett*, 415 S.C. 232, 236, 781 S.E.2d 352, 354 (2016); *State v. Harry*, 420 S.C. 290, 299, 803 S.E.2d 272, 277 (2017).

Finally, as to Redding's citation to other cases involving the denial of directed verdict, Petitioner again contends that in the absence of a proper analysis of all the evidence in the light most favorable to the State, such comparisons are neither helpful nor dispositive of the issue. *See Bennett*, 415 S.C. at 237, n.1, 781 S.E.2d at 354, n.1 (noting that defendant's comparisons to two other directed verdict cases was only marginally helpful since the directed verdict inquiry is "fact-intensive" and that, as such, "*the holdings in those cases are limited to their peculiar facts.*") (emphasis added). In using these comparisons, Redding simply repeats the Court of Appeals' erroneous reliance on case comparisons instead of properly assessing *all* the evidence in this case.

Contrary to Redding's assertions, the substantial circumstantial evidence in this case viewed in the light most favorable to the State required sending this case to the jury. *See State v. Tillman*, 433 S.C. 58, 64–65, 856 S.E.2d 168, 172 (Ct. App. 2021) ("[I]t was within the jury's purview to determine what each piece of evidence meant, how the pieces fit together, and whether

² Notably, nowhere in Redding's return or in the Court of Appeals' decision is this clear inconsistency between the forensically established twenty minutes at the hotel and Redding's contrary testimony explained or even addressed.

the sum of the evidence was sufficient to convict Tillman.”) (citing *State v. Mealor*, 425 S.C. 625, 654, 825 S.E.2d 53, 69 (Ct. App. 2019)).

The Court of Appeals erred in finding otherwise.

CONCLUSION

WHEREFORE, Petitioner reaffirms its desire for this Court to grant certiorari to address these serious errors of law.

Respectfully submitted,

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