

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEAL

APPEAL FROM ORANGEBURG COUNTY
HONORABLE MAITE MURPHY, CIR CT. JUDGE

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OCT 07 2026

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

CALIK TRAVONE GUINYARD,

APPELLANT.

APPELLATE CASE NO.: 2026-000281

PRO SE BRIEF OF APPELLANT

PRO SE, CALIK TRAVONE GUINYARD

TABLE OF AUTHORITIES

STATE V. OATES 421 S.C. 1, 803 SE2d 911
STATE V. KING 422 S.C. 47, 810 SE2d 18
POND PLACE PARTNERS, INC V. POOLE 315 S.C. 1, 567 SE2d 881
STATE V. HEPBURN 406 S.C. 416, 753 SE2d 136
STATE V. CHERRY 361 S.C. 588, 606 SE2d 475 (2004)
STATE V. REANSON 415 S.C. 463, 783 SE2d 802
STATE V. BUTLER 407 S.C. 376, 755 SE2d 459 (2014)
STATE V. GASTER 349 S.C. 545, 564 SE2d 87 (2002)
STATE V. WIGGINS 330 S.C. 538, 500 SE2d 489 (1998)
IN RE TRACY B, 391 S.C. 51, 704 SE2d 71 (CT. App. 2010)
STATE V. KELSEY 331 S.C. 50, 502 SE2d 63 (1998)
TATE V. STATE 351 S.C. 418, 520 SE2d 522 (2002)

WALL V. RASNICK 42 F. 4TH 214, 2022 WL2911704
UNITED STATES V. CHIKVASHVILI 859 F. 3d 285

CONSTITUTIONAL PROVISIONS

U.S. CONST. AMEND XIV

STATUTE § 16-3-10(2015)

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Issue

THE TRIAL COURT ABUSES ITS DISCRETION WHEN IT FAILED TO GRANT THE APPELLANT A DIRECTED VERDICT AS TO THE CRIMINAL OFFENSE OF MURDER WHEN THE STATE HAD FAILED TO PROVE THE MURDER OF VICTIM WAS DONE BY MALICE AFORETHOUGHT.

STATEMENT OF THE CASE

ON THE DAY OF DECEMBER 14, 2020 THE VICTIM KARI WILLIAMS WAS SHOT BY SAYQUAN HARRISON IN ORANGEBURG COUNTY, WHICH TESTIFIED AT TRIAL THAT HE WAS THE SHOOTER. TR P 1-503, AT NO TIME DURING THE APPELLANT CO-DEFENDER TESTIMONY OR ADMISSION OF GUILT DID HE INVOLVE THE APPELLANT AS A SHOOTER. TR P. 197 L 19-20, 21. THE STATE INDICTED THE APPELLANT FOR MURDER OF THE VICTIM KARI WILLIAMS, TP.P. 506. THE APPELLANT GAVE NO STATEMENT TO POLICE NOR DID THE STATE HAVE ANY EVIDENCE EITHER DIRECT OR CIRCUMSTANTIAL TO POINT THE APPELLANT AS A SHOOTER. TR: P 1 - P. 302 THE APPELLANT PROCEEDED TO TRIAL ON JANUARY 27-29 2026, FACING THE MURDER INDICTMENT. THE STATE INDICTMENT READS AS FOLLOWING: THAT IN ORANGEBURG COUNTY OR OR ABOUT DECEMBER 14, 2020 WITH MALICE AFORETHOUGHT, THE DEFENDANT CALIK TRAVONE QUINCYARD DID KILL ONE KARI WILLIAMS BY MEANS OF SHOOTING THE VICTIM. THE VICTIM DID DIE AS A PROXIMATE RESULT THEREOF. THIS OFFENSE BEING IN VIOLATION OF THE COMMON LAW AND SECTION §16-3-10, OF THE SOUTH CAROLINA CODE OF LAWS, AS AMENDED. DURING TRIAL, THE STATE FAILED TO PROVE THE ELEMENT OF "MALICE AFORETHOUGHT". TR P. 1 - TP 502. TRANSCRIPT PROVIDED. DEFENSE COUNSEL THEN MADE SEVERAL REQUEST FOR A DIRECT VERDICT ON THE OFFENSE CHARGES. TR P. 394, 409, 411, 493 TR. PAGES ADMITTED. THE TRIAL COURT DENIED THE ATTORNEY MS. GAY MOTIONS FOR A DIRECTED VERDICT.

THE COURT RULED THAT THE DIRECTED VERDICT SHOULD BE DENIED. THE TRIAL COURT THEN AFTER INSTRUCTED THE JURY OF MURDER AND THE JURY RETURNED WITH A VERDICT OF GUILTY AGAINST THE APPELLANT AS TO THE CRIMINAL OFFENSE OF MURDER.

LAW ANALYSIS

THE TRIAL COURT ABUSES ITS DISCRETION WHEN IT FAILED TO GRANT A DIRECTED VERDICT IN APPELLANT CASE AS TO THE CRIMINAL OFFENSE OF MURDER WHEN THE STATE HAD FAILED TO PROVE THE MURDER OF VICTIM WAS DONE BY MALICE AFORETHOUGHT.

AN ABUSE OF DISCRETION OCCURS WHEN THE TRIAL COURT RULING IS BASED ON AN ERROR OF LAW OR WHEN GROUNDED IN FACTUAL CONCLUSIONS IS WITHOUT EVIDENTIARY SUPPORT. STATE V. OATES 421 S.C. 1, 803 S.E2d 921; STATE V. KING 422 S.C. 47, 810 S.E2d 18.

IN THIS CASE BEFORE THE COURT, THE STATE (RESPONDENT) HAD FAILED TO ESTABLISH MALICE AFORETHOUGHT DURING APPELLANT'S TRIAL. MALICE IS AN ELEMENT OF MURDER. IN RE TRACY B 392 S.C. 51, 69, 204 S.E2d 71 (Ct. App. 2010). STATE V. KELSEY 331 S.C. 50, 502 S.E2d 63, 69 (1998). STATE V. STATE 351 S.C. 418, 520 S.E2d 522, 527 (2002).

MALICE IS AN ELEMENT OF MURDER, IT IS THE WRONGFUL INTENT TO INJURE ANOTHER AND INDICATES A WICKED OR DEPRAVED SPIRIT INTENT ON DOING WRONG. IT IS THE DOING OF A WRONGFUL ACT INTENTIONALLY AND WITHOUT JUST CAUSE OR EXCUSE.

WHEN RULING ON A DIRECTED VERDICT, THE TRIAL COURT IS CONCERNED WITH THE EXISTENCE OF EVIDENCE, NOT ITS WEIGHT. STATE V. EAST SUPRA.

THE TRIAL COURT'S RULING TO GRANT OR DENY A DIRECT VERDICT CAN ONLY BE REVERSED WHEN THERE IS NO EVIDENCE TO SUPPORT IT. POND PLACE PARTNERS INC V. POOLE 351 S.C. 1, 567 S.E2d 881. IF THE STATE HAS PRESENTED ANY DIRECT EVIDENCE OR ANY SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE REASONABLY TENDING TO PROVE THE GUILT OF THE ACCUSED, THE APPELLATE COURT MUST AFFIRM THE TRIAL COURT'S DECISION TO SUBMIT THE CASE TO JURY. STATE V. HEPBURN 406 S.C. 416, 429, 753 S.E2d 402. (QUOTING STATE V. CHEELY

361 S.C. 588, 606 S.E2d 475 (2004). STATE V. REARSON 415 S.C. 463, 783 S.E2d 802. STATE V. BUTLER 407 S.C. 376, 755 S.E2d 452 (2014). STATE V. GRATTER 342 S.C. 545, 564 S.E2d 87, 92 (2002); STATE V. WISSINS 330 S.C. 538, 500 S.E2d 409 (1998).

AN APPELLATE COURT CAN ONLY REVERSE A TRIAL COURT'S DECISION TO GRANT OR DENY A DIRECT VERDICT MOTION WHEN THERE IS NO EVIDENCE TO SUPPORT THE RULING BELOW. HARD V. WILLIAMSBURG COUNTY 333 S.C. 596, 579 S.E2d 136.

THE TRIAL COURT ABUSES ITS DISCRETION WHEN IT FAILED TO GRANT THE APPELLANT'S MOTION FOR A DIRECTED VERDICT WHEN THE STATE FAILED TO PROVE THE ELEMENT OF NOTICE AFORETHOUGHT, CLEARLY, A DIRECTED VERDICT SHOULD HAVE BEEN GIVEN TO APPELLANT IN THIS PRESENT CASE BEFORE THE COURT.

S.C. CODE ANN § 16-3-10 MURDER OFFENSE PROVIDES: MURDER IS THE KILLING OF ANY PERSON WITH NOTICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED.

WITHOUT NOTICE AFORETHOUGHT, THE STATE COULD NOT PROVE ITS CASE OF MURDER. (STATE V. GALLI & GUINYARD), VIOLATION OF APPELLANT'S DUE PROCESS RIGHTS UNDER THE 5TH & 14TH AMENDMENTS OF THE U.S. CONSTITUTION. AN ABUSE OF DISCRETION OCCURS WHEN A DECISION "IS GUIDED BY ERRONEOUS PRINCIPLES... OR REST UPON CLEARLY ERRONEOUS FACTUAL FINDINGS. UNITED STATES V. CHICKATHULLI 859 F.3d 285,

Conclusion

Appellant Request THAT THIS COURT WOULD ALLOW THE Appellant's ATTORNEY TO BRIEF OUT THE DIRECT VERDICT ARGUMENT BEFORE THE COURT AND DENY HIS MOTION FOR RELIEF AS COUNSEL PURSUANT TO ANDRES V. CALIFORNIA 386 U.S. 738, 87 S.Ct. 1396, STATE V. LYLES 381 S.C. 442, 673 S.E2d 811

DATE: 9/25 2024

8/ Calik Guinyard

LEGAL MAIL

MAIL ROOM

STATE OF SOUTH CAROLINA

COUNTY OF ~~CHARLES~~ Richland

CALIK GUINYARD

Appellant,

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Respondent.

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LISTED ADDRESS :

SOUTH CAROLINA COURT OF APPEALS

P.O. BOX 11629

COLUMBIA S.C. 29211

DATED: 9/25/2026

Calik Guinyard

Dear Clerk,

please Find Enclosed is the

Appellant's Brief to be Filed with the Court
IN APPELLANT CASE NO: 2026-000281. THANK YOU
very much.

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Calix T. Guzman # 399968

M.C.D.

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