

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

RECEIVED

Oct 21 2026

SC Court of Appeals

Patrick C. Fant, III, Circuit Court Judge

Appellate Case No. 2025-000367

The State of South Carolina

Respondent,

v.

Zachary David Hughes

Appellant

STATUS REPORT

On July 21, 2026, this Court granted the Appellant's Motion to Stay the Appeal and Remand to Circuit Court. This Court's order also mandated that counsel for Appellant provide the Court with written status updates every thirty days. Pursuant to this Court's Order, counsel for Appellant provides this Court with their fourth status report, which is intended as a summary of significant activities and/or developments which have occurred within the last 30 days.

In the last 30 days, counsel for Appellant and/or members of the defense team have done the following:

- On September 24, 2026, counsel for Appellant, along with the former federal agent whom they retained, met with the lawyer for the former Assistant Solicitor (FAS) and the FAS from the 13th Circuit Solicitor's Office who prosecuted a case connected with the Appellant's case and who had access to discovery that included the child

pornography that demonstrated Parcell abused her own child;

- On September 28, 2026, counsel for the Appellant served on the Solicitor's Office a supplemental Freedom of Information Act (FOIA) request seeking more specific information based on the Solicitor's Office initial response; and
- On October 21, 2026, counsel for Appellant filed its Motion for New Trial, which is attached hereto as exhibit 1;

Significant developments which have occurred in the last 30 days include but are not limited to:

- On September 23 and October 5, 2026, the Solicitor's Office provided information to counsel for the Appellant pursuant to Freedom of Information Act (FOIA) requests they served on the Solicitor's Office on September 8 and 28, 2026. Counsel for Appellant have reviewed this information;
- On September 24, 2026, members of the defense team interviewed the FAS in the presence of his lawyer. The FAS stated, in pertinent part, that:
 - o The FAS has been a lawyer for approximately 23 years and served as a state prosecutor for more than 20 years;
 - o The FAS served as a prosecutor in the 13th Circuit Solicitor's Office for almost 15 years;
 - o The FAS prosecuted John Mello, the father of Christina Parcell's daughter, for offense(s) related to his interference with Parcell's custodial rights in connection with their daughter;¹
 - o While prosecuting Mello, the FAS also reviewed evidence connected with the

¹ Mello went to trial in March or April of 2024, and his trial resulted in a not guilty disposition.

Appellant's murder case to determine what, if any, role Mello may have played in Parcell's murder;²

- In March of 2024, the FAS and Mello's lawyer travelled to the Greenville County Sheriff's Office (GCSO)'s Internet Crimes Against Children (ICAC) location to review images and videos contained on Bradly Post's devices. Post was Parcell's boyfriend whom GCSO deputies arrested six days after Parcell's death after they located multiple images and/or videos of child pornography involving Parcell's daughter and Parcell on Post's cell phone. Mello's lawyer had asserted a "necessity" defense, meaning he was preparing to argue that Mello had to take his daughter away from Parcell to protect her from Parcell's and/or Post's abuse. According to the FAS, he did not believe that such a defense was viable, but he believed his role as a prosecutor required him to be transparent and show Mello's lawyer these images and/or videos. Initially, the FAS believed that Post likely groomed Parcell to engage in this activity, and the FAS was hoping these images and videos would provide him with evidence the State could use to defeat Mello's necessity defense. The FAS notified the Solicitor of the planned visit to ICAC prior to the visit. The Solicitor expressed no opposition;
- Two GCSO deputies³ met the FAS and Mello's lawyer at ICAC;
- The FAS and Mello's lawyer viewed images and videos from Post's devices for

² The FAS was never a member of the Appellant's prosecution team.

³ These are the same two deputies counsel for Appellant referenced in their Second Status Report to this Court. Counsel for Appellant have communicated with them, seeking an interview, but neither deputy has responded. Both deputies were under subpoena for the Appellant's trial, but only one deputy testified at the trial.

approximately one hour. During their review, the FAS and Mello's lawyer saw numerous images and videos of Parcell and her daughter nude and/or in sexually explicit poses;⁴

- According to the FAS, he cannot "unsee" these images, and there was "nothing innocent" about them. The FAS indicated that after reviewing these images and videos, his entire opinion of Parcell changed. The FAS knew she was involved: the location of the images and other features of them demonstrated to the FAS that Parcell was producing these images and videos;
- The FAS did not see and still does not see the need to question Parcell to determine the context in which these images and videos were captured. They speak for themselves;
- After the FAS's and Mello's lawyer's review of the material concluded, Mello's lawyer left. The FAS and the two deputies spoke, and all three agreed that Parcell was involved in the production of child pornography with her daughter;
- Approximately four days after his trip to ICAC, the FAS met with the Solicitor. In the meeting, the FAS told the Solicitor details about the images and videos he had seen, the fact that the FAS's entire impression of Parcell had changed, and that he (the FAS) and the two deputies all believed that Parcell was involved in the production of child pornography with her daughter. According to the

⁴ During the Appellant's prosecution, counsel for Appellant were forced to explicitly describe these images, from which of Post's devices they came, and the file name associated with these images and videos to rebut the State's misrepresentations that counsel for Appellant's claims were "untrue, unfounded, unsubstantiated" and the like. Since the Attorney General's Office has acknowledged that counsel for Appellant's claims were true, and since a lawyer on the Appellant's prosecution team has finally acknowledged that he and the Solicitor saw these images months before the Appellant's trial (see the Second Status Report, dated August 21, 2026), counsel for Appellant see no need to describe these images in detail in these status reports.

FAS, the Solicitor commented on Parcell's physical feature(s), indicating he also had possibly been exposed to some of these images;

- The FAS facilitated the uploading of sanitized images from Post's devices and other materials from Mello's prosecution to PCMS, to the network the Solicitor's Office uses to store discovery, so members of the Appellant's prosecution team would have access to them; and
- The FAS followed in the media the parties' motion practice during the prosecution of the Appellant. Based on his review of the child pornography and prosecution of Mello, the FAS believed that the State's statements in connection with the child pornography and Parcell's role in it were "untrue."

Counsel for Appellant anticipate that a hearing date for the Motion for New Trial will be set prior to their next status report, and, if so, will update this Court accordingly.

Respectfully submitted,

s/Andrew B. Moorman, Sr.

s/Mark Moyer

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October 21, 2026.

EXHIBIT 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	THIRTEENTH JUDICIAL CIRCUIT
	)	
	)	WARRANT NO(S): 2021A2330210207-08
	)	2023A2330208126-27
Plaintiff,	)	
vs.	)	DEFENDANT'S MOTION
	)	FOR NEW TRIAL
ZACHARY HUGHES	)	
Defendant.	)	

COMES NOW the Defendant, Zachary Hughes, through counsel who moves this Court for a new trial. Both prior to and during the trial, the State engaged in a “win-at-all cost” campaign to excise from this case any mention of evidence which showed Christina Parcell sexually abused her own daughter, critical, exculpatory evidence that could have exonerated Hughes. In so doing, the State deliberately and intentionally misled the trial court on the existence and nature of this exculpatory evidence, it attempted to restrict access by Hughes and defense counsel to this exculpatory evidence, it suppressed exculpatory evidence, and it moved to secretly silence defense counsel from even talking about this exculpatory evidence by filing a motion not on the public record.

In March of 2026, almost thirteen months after Hughes was convicted and sentenced to life imprisonment, the State, now represented by the Attorney General’s Office, conceded that this exculpatory evidence did exist and that it showed Christina Parcell was the perpetrator and abuser of her own child. See tr. Brady Post Guilty Plea, at 13-14.

The State’s calculated and coordinated campaign to hide this evidence from the public, to silence defense counsel from even mentioning it in the public domain, to prevent and/or restrict defense counsel from accessing this information, to deliberately and intentionally mislead the trial court about the existence and nature of this evidence, to suppress evidence favorable to the accused, and to finally concede the existence and true nature of this evidence thirteen months later

and only after Hughes was convicted and sentenced to life imprisonment demonstrates that this campaign effected the outcome of the proceedings in *State v. Zachary Hughes*.

For these reasons, Hughes moves this Court for a new trial. See *United States v. Alzate*, 47 F.3d 1103, 1110–11 (11th Cir. 1995) (granting the motion for new trial based, in part, on misrepresentations the prosecutor made to the judge on evidentiary issues, and stating “[i]t may be that Alzate's duress defense does not amount to much, but he is entitled to put his defense forward free of the prosecutorial misconduct that occurred in this case. (Citations omitted.) It may be that Alzate will be convicted after a fair trial. We do not know, but we do know that he has not yet had one.”) See also, *United States v. Burnside*, 824 F. Supp. 1215, 1271 (N.D. Ill. 1993)(“When a government counsel conceals facts and makes such misrepresentations, due process is thwarted. Because government counsel's prosecutorial obligations transcend that of an ordinary adversary, a court and defense counsel are entitled to rely on government counsel to act and make representations consistent with that obligation. Misrepresentations and concealment by U.S. Attorney personnel are contrary to those prosecutorial obligations.”); *United States v. Sipe*, 388 F.3d 471, 477 (5th Cir. 2004) (affirming the district court's granting of a new trial motion based, in part, on a law enforcement officer's statement which the prosecution team withheld); and *State v. Dean*, 427 S.C. 92, 105, 828 S.E.2d 243, 250 (Ct. App. 2019) (granting the motion for new trial based on after-discovered evidence, and stating “[t]he State assured the trial court many times that no deals, negotiations, or agreements had been offered to Gaston in exchange for his testimony. However, at Gaston's plea hearing, Assistant Solicitor Sheek stated that the ‘understanding’ with Gaston was that the Solicitor's office would convey his cooperation to the court if he cooperated in the trials and *other than* this agreement to convey cooperation, no other deals existed. These statements differ from the State's statements throughout the pre-trial hearing, trial, and new trial hearing that absolutely no deal, negotiations, assurances, or promises had been made to Gaston,

including any agreement from the State that it would communicate Gaston's cooperation to the court.”). See c.f., *Simmons v. State*, 416 S.C. 584, 591–92, 788 S.E.2d 220, 224 (2016) (although denying the new trial motion, remanding to the trial court and stating “[I]t is established that a conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment. The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.” *Napue v. Illinois*, 360 U.S. 264, 269, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959) (other citations omitted)).

Additionally, Mr. Hughes requests a hearing on this motion and an opportunity to submit a memorandum in support of this motion for this Court’s consideration that incorporates evidence elicited during the hearing.

Respectfully submitted,

s/ Andrew B. Moorman

s/ L. Mark Moyer

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PROOF OF SERVICE

I certify that on this, the 21st day of October, 2026, Appellant's Fourth Status Report was served on the Thirteenth Circuit Solicitor's Office and the South Carolina Attorney General's Office by email and/or US Mail.

Respectfully submitted,

s/Andrew B. Moorman, Sr.

s/Mark Moyer

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