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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY
Court of General Sessions
The Honorable George M. McFaddin, Jr., Circuit Court Judge

Appellate Case No. 2025-002355

THE STATE,

Respondent,

v.

KATHERINE ANN BAUCOM-COWICK,

Appellant.

FINAL BRIEF OF RESPONDENT

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COUNTER-STATEMENT OF ISSUE ON APPEAL

The trial judge properly denied Appellant's directed verdict motions on both the armed robbery charge and first-degree burglary charge.

STATEMENT OF THE CASE

A Darlington County Grand Jury indicted Appellant in October of 2016 for first-degree burglary. Specifically, the indictment read “[t]hat [Appellant] did in Darlington County on or about July 17, 2016, along with co-defendant [Cephas Cowick], enter the dwelling of Denise Couplin...without consent and with the intent to commit a crime therein and [Appellant] did so while armed with a pistol, in violation of Section 16-11-0311(A)” of the South Carolina Code of Laws.

In October of 2024, a Darlington Grand Jury also indicted Appellant for two counts of Accessory before the fact to Murder and one count of Accessory before the fact to Armed Robbery. Specifically, the indictments read “[t]hat [Appellant] did in Darlington County on or about July 17, 2016, advised or agree[d] with or urge[d] or hire[d] or in some way aid[ed], counsel[ed] or encourage[d] the principal felon, Cephas Cowick, to commit the felony of Murder [and Armed Robbery], but was not present in the home of Denise Couplin [and her grand-daughter], at the time the crime was committed.”

On June 2-5, 2025, Appellant proceeded to a bench trial before the Honorable George M. McFaddin, Jr. The trial court returned the following verdicts: (1) Not guilty of the two counts of Accessory before the fact to Murder, (2) Guilty of Accessory before the fact to Armed Robbery, and (3) Guilty of Burglary, First-degree. The trial court sentenced Appellant to concurrent twenty-five years of imprisonment for each conviction.

On June 12, 2025, Appellant filed a Motion for New Trial and Reconsideration of Sentence. The trial court issued an Order denying the motion for new trial and reconsideration of sentence on November 19, 2025. Appellant filed a timely notice of appeal. This brief follows.

STATEMENT OF FACTS

On the morning of July 17, 2016, Denise Couplin's (Victim) neighbor, Robert Dolford, awoke to the sound of fire trucks; about 30-45 minutes later, a man knocked on his door, acting hysterical, and asked to use the phone to call his sister and 911. (R. 13-14). The man told Dolford that his niece was lying on the floor and not moving. (R. 13-14). Dolford entered the house with the man and informed the 911 operator that he saw Victim and Victim's minor granddaughter deceased in the bedroom. (R. 14-18).

Officer Thomas Fratus of the Darlington County Sheriff's Office (DCSO) testified that he and Deputy Caulder responded to the residence after receiving a call "that there was a juvenile located in the residence covered in blood and the mother was missing." (R. 21). Upon arrival, Officer Fratus noted that the front door had been forced open and the house was ransacked. (R. 21-22). Officer Fratus stated that he entered the home and located the victims in the back bedroom. (R. 24).

Agent Dawn Claycomb of the State Law Enforcement Division (SLED) testified that she and Special Agent Miller documented the crime scene and also observed forced entry to the front door, the bedroom was in disarray, there were bloodstains on the bed and a black purse dumped out on the mattress. (R. 28-56). She also found a large knife underneath Victim and a bullet projectile near the deceased minor. (R. 33-34). Claycomb was also dispatched to a secondary location where a burnt vehicle had been discovered that turned out to be Victim's SUV. (R. 37). She also noted that Investigator Mark Luce instructed her to process a dumpster, where she recovered shoes, black socks, a shirt, black pants, and debit cards issued to Victim. (R. 39-40). She further explained that she collected the murder weapon from Luce for testing. (R. 42).

Lead Investigator Mark Luce testified that he received information from another agency that two individuals, Phillip Norris and Taylor Lane, had information about the robbery. (R. 60).

Luce spoke with those individuals and identified Cephas Cowick and Appellant as suspects. (R. 60-61). After interviewing Cephas, Luce directed SLED to locate and search the contents of a dumpster near Cephas's residence while he went to Stephen Segar's residence to locate and ultimately retrieve the murder weapon. (R. 62-67). Cephas was charged and arrested following his interview. (R. 68). The bullets recovered from the scene matched the weapon retrieved. (R. 71).

Appellant was interviewed the following day. During her interview she admitted to going inside the Couplin's residence after dropping Cephas off nearby, waiting at a convenience store until he arrived driving the SUV, and following him back to the residence. (R. 76-79). 7.00 dollars cash and debit cards belonging to Jermika Couplin were found in Appellant's purse. (R. 80). Luce also testified that Appellant admitted to knowing Cephas planned to rob the Couplins. (R. 81). The State admitted a redacted copy of Appellant's interrogation without objection as State's exhibit 1. (R. 81-83).

Phillip Norris testified that he had been friends with Cephas since kindergarten, and that Cephas and Appellant came to Taylor Lane's birthday party prior to the robbery and murder. (R. 137-138). Norris stated that Cephas "kept talking about that he was going to 'hit a lick'... referencing that they was gonna try to rob [Couplin]." (R. 141-142). He further stated that Cephas said she owed him money from a job and he wanted to borrow a gun from Norris because if she didn't do what he asked he was going to kill her. (R. 142-144). Norris couldn't remember if Appellant was in the area during that specific conversation to hear but did testify that she asked them to intervene to try to talk him out of it. (R. 143-144).

Taylor Lane also testified and stated that Cephas was asking to borrow a gun to rob Couplin and that if she didn't do what he wanted he would kill Couplin. (R. 153-156). Lane testified that Appellant was there during this conversation and heard him state this. (R. 155). Lane further

testified that she asked her and Norris to talk him out of what he was going to do. (R. 156). Lane stated that they were all sitting at the outside table, including Appellant, when Cephas was talking about his plan. (R. 156).

After the State rested, Counsel for Appellant moved for a directed verdict arguing that the State had not presented any evidence proving Appellant entered the dwelling “armed with a pistol as charged in the indictment.” (R. 165-166). The State argued that they were proceeding under the theory of “hand of one, hand of all” doctrine. (R. 166). The trial court denied the motion. Counsel for Appellant then moved for a directed verdict for all four indictments. (R. 167-168). The trial court denied those motions as well. (R. 168). During closing arguments, the State argued that Appellant’s actions prove the charged criminal offenses beyond a reasonable doubt because Appellant knew of Cephas’s plan to commit an armed robbery.

STANDARD OF REVIEW

In an appeal of a ruling involving a challenge to the sufficiency of the evidence in a criminal case, the appellate court must necessarily apply the same standard that should have been applied by the trial judge and view the evidence and all reasonable inferences in the light most favorable to the State. State v. Gracely, 399 S.C. 363, 371-372, 731 S.E.2d 880, 884 (2012). “In reviewing a refusal to grant a directed verdict, we must view the evidence in the light most favorable to the State and determine whether there is any direct or substantial circumstantial evidence that reasonably tends to prove the defendant’s guilt or from which his guilt may be logically deduced.” State v. Pinckney, 339 S.C. 346, 348, 529 S.E.2d 526, 527 (2000). On a motion for a directed verdict in a criminal case, the trial court is concerned with the existence or non-existence of evidence, not its weight. State v. Curtis, 356 S.C. 622, 633, 591 S.E.2d 600, 605 (2004); State v. Condrey, 349 S.C. 184, 190, 562 S.E.2d 320, 323 (Ct. App. 2002). If the State presents any evidence which reasonably tends to prove the defendant’s guilt, or from which the defendant’s guilt could be fairly and logically deduced, the case must go to a jury. Id. The appellate court may only reverse the trial judge’s denial of a directed verdict motion if there is no evidence supporting the trial judge’s ruling or if the ruling is based on an error of law. State v. Gaster, 349 S.C. 545, 555, 564 S.E.2d 87, 92 (2002); State v. Dantonio, 376 S.C. 594, 603, 658 S.E.2d 337, 342 (Ct. App. 2008).

ARGUMENT

I. The trial judge properly denied Appellant's directed verdict motions on both the armed robbery and first-degree burglary charge.

Appellant argues the trial court erred by denying Appellant's motions for directed verdict for Accessory before the fact to armed robbery and for burglary first-degree. Specifically, that the State failed to present sufficient independent evidence to prove the corpus delicti of the charged crimes with evidence from a source other than Appellant's statements.

"On appeal from the denial of a directed verdict, this court views the evidence and all reasonable inferences in the light most favorable to the State." State v. Bennett, 415 S.C. 232, 235, 781 S.E.2d 352, 353 (2016) (citing State v. Butler, 407 S.C. 376, 381, 755 S.E.2d 457, 460 (2014)). On a motion for a directed verdict in a criminal case, the trial court is concerned with the existence or non-existence of evidence, not its weight. State v. Curtis, 356 S.C. 622, 633, 591 S.E.2d 600, 605 (2004). See also Rule 19(a), SCRCrimP. If the State presents any evidence which reasonably tends to prove the defendant's guilt, or from which the defendant's guilt could be fairly and logically deduced, the case must go to a jury. Pinckney, 339 S.C. at 349, 529 S.E.2d at 527. The task of the trial court is to simply determine "whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt." State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016).

Cephas was charged with armed robbery and burglary first-degree. "A person who commits robbery while armed with a pistol, dirk, slingshot, metal knuckles, razor, or other deadly weapon, or while alleging, either by action or words, he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon, is guilty." S.C. Code Ann. § 16-11-330(A). "A person is guilty of

burglary in the first-degree if the person enters a dwelling without consent and with intent to commit a crime in the dwelling.” S.C. Code Ann. § 16-11-311. “The only requirement is that there be intent to commit any crime at the time of entry.” Pinckney v. State, 368 S.C. 502, 505, 629 S.E.2d 367, 369 (2006). The person’s actions after entering the dwelling can be evidence in determining whether the person had the intent to commit a crime at the time of entry. Id. Cephas Cowick entered Denise Couplin’s home without consent, armed with a pistol, with the intent to rob her, and potentially murder her if she didn’t give him what he wanted.

Appellant was charged with accessory before the fact for armed robbery and accessory before the fact for burglary first-degree. “It is well-settled law that a conviction cannot be had on the extrajudicial confessions of a defendant unless they are corroborated by proof aliunde of the corpus delicti.” State v. Osborne, 335 S.C. 172, 175, 516 S.E.2d 201, 202 (1999). “The requirement that the corpus delicti be sufficiently corroborated by independent evidence is rooted in the premise that the examination of this additional evidence will avert the danger that a crime was confessed when in fact no such crime was committed. Thus, the rule exists to prevent the conviction of an innocent person.” City of Easley v. Portman, 327 S.C. 593, 602-603, 490 S.E.2d 613, 618 (Ct. App. 1997). “While evidence of the corpus delicti in a particular case must be established by the best proof attainable, direct evidence is not essential. The corpus delicti may be sufficiently proved by presumptive or circumstantial evidence when that is the best obtainable.” State v. Townsend, 321 S.C. 55, 57, 467 S.E.2d 138, 140 (Ct. App. 1996).

“[T]he corroborative evidence *need not be sufficient*, independent of the statements, to establish the corpus delicti.” Opper v. United States, 348 U.S. 84, 93 (1954) (emphasis added). However, “[T]he corroboration rule is satisfied if the State provides sufficient independent evidence which serves to corroborate the defendant’s extra-judicial statements and, *together with*

such statements, permits a reasonable belief that the crime occurred.” Osborne, 335 S.C. at 180, 516 S.E.2d at 205 (emphasis added). Thus, “[i]f the statement is independently corroborated, then *the combination of* the statement and the State’s remaining evidence may be considered by the trial court to determine if there is any evidence tending to establish the corpus delicti.” State v. Russell, 345 S.C. 128, 132-133, 546 S.E.2d 202, 205 (Ct. App. 2001) (emphasis added).

The State may prove the corpus delicti of armed robbery by establishing that a robbery was committed and either one of two additional elements: (1) that the robber was armed with a deadly weapon or (2) that the robber alleged he was armed with a deadly weapon, either by action or words, while using a representation of a deadly weapon or any object. State v. Dodd, 354 S.C. 13, 17, 579 S.E.2d 331, 333 (Ct. App. 2003). “When there is any evidence tending to establish the corpus delicti of a crime, it is the trial judge’s duty to pass that question to the jury.” Id. 354 S.C. at 18, 579 S.E.2d at 334.

Appellant argues that her confession that she knew of the plan for Cephas to rob the Couplins was not enough on its own to prove the corpus delicti of the charged crimes. This is not a corpus delicti issue. The corpus delicti of both charged crimes was proven without the confession of Appellant that she knew of the plan to rob the Couplins. There was evidence, from multiple people, that Victim’s house was broken into and forced open. (R. 16, 21, 29). There was testimony that the bedroom and home were in disarray. (R. 22, 30, 35). There were two deceased victims with gunshot wounds. (R. 73-76). There is video surveillance of Cephas driving the victim’s vehicle, and the vehicle was found at another location burned. (R. 129-135). There was 7.00 dollars cash found in Appellant’s purse that pairs with Appellant’s confession that Victim only had 7.00 cash on her and that it was from Victim. (R. 109). There is testimony from Phillip Norris and

Taylor Lane that Cephas was asking to borrow a gun because he intended to rob Victim and potentially murder her if she did not do what he wanted. (R. 142-144, 154-156).

The corpus delicti of the crimes were proven without the confession of Appellant. The issue here is whether there was sufficient evidence to surpass a directed verdict motion that Appellant was an accessory. The elements that must concur to justify the conviction of one as an accessory before the fact are: (1) that the defendant advised, agreed, or urged the parties or in some way aided them, to commit the offense; (2) that the defendant was not present when the offense was committed; and (3) that the principal committed the crime. S.C. Code Ann. § 16-1-40. As noted above element three was met and the principal did commit those crimes. If the State presents any evidence which reasonably tends to prove the defendant's guilt, or from which the defendant's guilt could be fairly and logically deduced, the case must go to a jury. Pinckney, 339 S.C. at 349, 529 S.E.2d at 527. On a motion for a directed verdict in a criminal case, the trial court is concerned with the existence or non-existence of evidence, not its weight. State v. Curtis, 356 S.C. 622, 633, 591 S.E.2d 600, 605 (2004). Appellant confessed that she knew of Cephas's plan to rob the Couplins. There was mixed evidence of whether she rode with Cephas to the house or dropped him off; however, there is video surveillance evidence that after Cephas exiting the vehicle, she then drove the car down the street and waited at the convenience store for Appellant. She then followed in his vehicle while he drove the victim's vehicle. (R. 127-130). This is evidence that she aided him in some way to commit the offense by driving the car while he committed the crimes and that she was not present at the scene when the offenses were committed. Therefore, due to the existence of evidence, the trial court properly denied Appellant's motions for directed verdicts.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgments and convictions of the lower court should be affirmed.

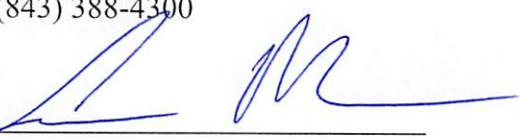
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