

STATE OF SOUTH CAROLINA
In the Supreme Court

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On Writ of Certiorari to the Court of Appeals
Appeal from Hampton County
Brooks P. Goldsmith, Circuit Court Judge

SC SUPREME COURT

Appellate Case No. 2016-000568
Op. No. 2015-UP-564 (Ct. App. filed December 23, 2015)

THE STATE,

Respondent,

vs.

TONYA Mc4ALHANEY,

Petitioner.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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STATEMENT OF ISSUE ON CERTIORARI

The Court of Appeals properly affirmed the trial court's admission of evidence of Petitioner's November 24, 2013, arrest for second-degree burglary during her trial for the November 24, 2013, first-degree burglary, where the evidence was relevant and admissible under the res gestae theory and as motive or a common scheme or plan under Rule 404(b), SCRE. Furthermore, even assuming the trial court erred in admitting the challenged evidence, any error was harmless in light of the overwhelming evidence conclusively establishing Petitioner's guilt.

STATEMENT OF THE CASE

Procedural History

Petitioner Tonya McAlhaney was indicted during the December 2013 term of the Hampton County Grand Jury for first-degree burglary (2103-GS-25-0435) and second-degree burglary (2013-GS-25-0434). On February 3, 2014, Petitioner and co-defendant Travis Hair proceeded to a jury trial before the Honorable Brooks P. Goldsmith. Before the jury was sworn, Petitioner moved to quash her indictment for second-degree burglary. The trial court granted the motion and the trial commenced on the first-degree burglary indictment. On February 4, 2014, the jury convicted Petitioner and Hair as indicted for first-degree burglary. Judge Goldsmith sentenced Petitioner and Hair to fifteen years imprisonment.

Petitioner filed a timely notice of appeal. The South Carolina Court of Appeals affirmed Petitioner's conviction and sentence in an unpublished opinion without oral argument. State v. Tonya McAlhaney, Op. No. 2015-UP-564 (S.C. Ct. App. filed December 23, 2015). Thereafter, Petitioner petitioned for rehearing on January 7, 2016. The Court of Appeals issued an order denying the petition for rehearing on February 16, 2016.

On March 17, 2016, Petitioner filed her Petition for Writ of Certiorari and Appendix with this Court. This Return follows.

Factual History

On the evening of November 23, 2013, the Hampton Police Department received a complaint regarding a burglary in progress at the home of Charles DeLoach located in Hampton, South Carolina. (R. pp. 205, 210). DeLoach had passed away in September 2013, and his daughter and other family members frequently stayed at the home while

tending to DeLoach's affairs and closing his estate. (R. pp. 126-129; Sup.R. pp. 11-12). Lieutenant Cook from the Hampton Police Department completed an incident report and noted in his report that multiple suspects were seen leaving the home with bags. (R. p. 210).

The following morning, November 24, 2013, the Hampton Police Department received another complaint regarding a home invasion at the DeLoach residence. (R. p. 128). Sergeant Bradford Drowdy responded to the home and heard movement inside. (R. p. 128). Drowdy requested backup from the Varnville Police Department. (R. p. 128). When back-up arrived, Drowdy let the occupant of the home know law enforcement was on the scene and would gain entry into the home. (R. p. 129). One of the officers noticed that a rear door was open and law enforcement entered the home through the opened door. (R. p. 129). Once inside, law enforcement found Petitioner in a rear bedroom. (R. p. 129). Law enforcement took Petitioner into custody, informed her of her rights, and placed her in handcuffs. (R. pp. 129-30). As she was being cuffed, a men's watch fell out of her pocket. (R. p. 130). She was transported to the police station. (R. pp. 129-30).

Once at the station, Assistant Chief James Bolton interviewed Petitioner. (R. p. 204). Bolton read Petitioner her rights and she agreed to waive her rights and signed a waiver of rights acknowledgment form. (R. pp. 204-05). Bolton noticed a bottle of prescription medication sticking out from Petitioner's blouse and asked her what it was. (R. p. 205). Petitioner replied it was her medication, but upon closer inspection, Bolton discovered the medicine was cough syrup prescribed to DeLoach. (R. p. 205). Bolton then asked for permission to search Petitioner's home and she gave consent. (R. p. 205). She memorialized her consent in writing by signing a consent to search form. (R. p. 205).

After receiving Petitioner's consent, law enforcement proceeded to her home with Petitioner. (R. p. 206). Petitioner accompanied law enforcement and unlocked the door. (R. p. 206). Hair and Ricky Sauls were present at Petitioner's home. (R. p. 206). Law enforcement asked Sauls where the items taken from DeLoach's residence were located. (R. p. 206). Sauls assisted law enforcement in recovering a bag, which contained mail addressed to DeLoach, jewelry, medication prescribed to DeLoach, Christmas decorations, and other household items. (R. pp. 206-07). Sauls also showed law enforcement where knives and liquor from DeLoach's home were located. (R. p. 207). Law enforcement also found more of DeLoach's mail that had been burned or attempted to be burned. (Sup. R. p. 4).

Thereafter, Petitioner, Hair, and Sauls were indicted for first-degree burglary in connection with the November 23, 2013, home invasion. Petitioner was also indicted for second-degree burglary from the November 24, 2014, home invasion.

Petitioner and Hair proceeded to a joint trial before the Honorable Brooks P. Goldsmith and a jury. Before the jury was selected, the State moved to amend Petitioner's second-degree burglary indictment, arguing the omission of "without consent" from the indictment's language was a scrivener's error. (R. pp. 38-39). In response, Petitioner argued failure to include a necessary element of the offense that must be contemplated by the grand jury could not be a scrivener's error and the indictment must be quashed. (R. pp. 39-40). The Court agreed and granted Petitioner's motion to quash the second-degree burglary indictment. (R. p. 43). Petitioner then moved for a continuance, arguing because the State had already read both indictments to the venire, she was prejudiced as to the remaining indictment for first-degree burglary (R. p. 42). The trial court denied Petitioner's motion to continue, but instructed the jury to disregard

the earlier statements made by the State as to which indictments were being called for trial. (R. pp. 44, 50-51).

Petitioner then moved to exclude any evidence from or reference to the quashed second-degree burglary indictment on relevance and prejudice grounds. (R. pp. 90-92, 94-95). Petitioner argued introduction of such evidence would also violate Rule 404(b), SCRE. The State replied both indictments stemmed from one interconnected investigation and exclusion of relevant evidence from the second-degree burglary would hamper the State's ability to prove its case. (R. pp. 91-93). The trial court denied Petitioner's motion, finding the evidence was admissible under the common scheme or plan exception to Rule 404(b), SCRE.

Co-defendant Sauls testified for the State. Sauls testified he was with Petitioner, Hair, and Larry Crosby on the evening of November 23, 2013. (R. p. 156). Hair and Crosby worked for DeLoach's daughter and had been helping her move items out of the DeLoach residence. (R. p. 157; Sup. R. pp. 12-14). Larry Crosby informed the group he had seen prescription medications in the home and asked them to go into inside to retrieve the medication. (R. p. 157). Sauls testified he was romantically involved with Petitioner and asked her not to participate. (R. p. 157). However, Petitioner, Hair, and Sauls all entered DeLoach's home at approximately 7 o'clock p.m. (R. pp. 157-58, 177). Sauls testified Hair went to sleep inside the home, but acknowledged all three took items from the home. (R. pp. 159, 165-66, 200). He elaborated all three participants were "plundering" the home for items to take. (R. p. 200). He testified they took knives, liquor, medications, Christmas ornaments, documents, and other sundries from the home. (R. p. 159). Sauls testified the group knew they did not have permission to be in the home. (R.

p. 202). After the “plundering” concluded, the three called Crosby to pick them up. (R. p. 165).

DeLoach’s daughter, Amanda DeLoach Brown, also testified for the State. She testified she and her children had been primarily living at her father’s home since his passing so she could manage his business and other affairs while closing his estate. (Sup. R. pp. 11-12, 16). She testified the house was fully furnished with operational utilities, a stocked refrigerator, and garment-filled closets. (Sup. R. p. 15). She testified she had moved some of her grandmother’s belongings out of the home, but the house was not being vacated. (Sup. R. p. 13). She testified she left the home on Tuesday, November 19, 2013, to take her son to a dental appointment in Greenville and had informed employees, including Hair and Crosby, she would be out of town for a few days. (Sup. R. pp. 12-13). She testified she intended to return to the home shortly. (Sup. R. p. 12). She did not give Petitioner, Hair, Sauls, Crosby, or anyone else permission to be in the home. (Sup. R. p. 14). She testified she secured the home as she always did when leaving. (Sup. R. p. 15).

DeLoach’s sister, Roma Muller, also testified for the State. She testified the home was originally the home of her and DeLoach’s mother and DeLoach had lived there alone after her mother’s passing. (Sup. R. pp. 1-3). She testified the house was used by various members of the family, but recently was primarily used by DeLoach’s daughter Amanda. (Sup. R. pp. 2-3). She testified the house was currently in probate and she was a partial owner. (Sup. R. pp. 1-3). She was able to identify various belongings taken from the DeLoach home recovered by law enforcement. (Sup. R. pp. 4-5, 6-9). She testified she did not give any of the co-defendants permission to be in the home. (Sup. R. p. 10).

At the conclusion of the State’s case, Petitioner moved to dismiss the indictment for first-degree burglary and proceed forward with the lesser-included offense of second-

degree burglary, arguing the State had failed to establish the building was a dwelling following DeLoach's death (R. pp. 219). The State replied it had presented sufficient evidence the building was a dwelling, noting DeLoach's daughter and children were residing in the home. (R. pp. 219-20). The Court denied Petitioner's motion and submitted the case to the jury. (R. p. 220). The jury convicted Petitioner of first-degree burglary as indicted.

ARGUMENT

The Court of Appeals properly affirmed the trial court's admission of evidence of Petitioner's November 24, 2013, arrest for second-degree burglary during her trial for the November 24, 2013, first-degree burglary, where the evidence was relevant and admissible under the *res gestae* theory and as motive or a common scheme or plan under Rule 404(b), SCRE. Furthermore, even assuming the trial court erred in admitting the challenged evidence, any error was harmless in light of the overwhelming evidence conclusively establishing Petitioner's guilt.

Petitioner contends the Court of Appeals erred in affirming the trial court's admission of testimony pertaining to Petitioner's November 24, 2013, arrest for second-degree burglary at the same residence she was on trial for burglarizing the evening prior. Petitioner maintains evidence of the November 24, 2013, was irrelevant and unfairly prejudicial. Petitioner avers the subsequent burglary was not part of a common scheme or plan and was not "inextricably entwined with the prior burglary." Petitioner further argues the trial court's admission of the later burglary denied her a fair trial, particularly in light of the trial court's quashing of the indictment for that burglary.

Contrary to Petitioner's assertions, the Court of Appeals properly affirmed the trial court's admission of the evidence regarding the November 24, 2013, second-degree burglary arrest because the evidence was relevant and admissible under the *res gestae* theory and as a motive or a common scheme or plan under Rule 404(b), SCRE. Furthermore, assuming arguendo that the trial court erred in admitting the contested evidence, any error was harmless in light of the overwhelming evidence establishing Petitioner's guilt. Petitioner's conviction should be affirmed.

A. Admissibility of Evidence Regarding the November 24, 2013 Arrest

Only evidence that is relevant should be admitted during trial. Rule 402, SCRE. "Evidence is relevant if it tends to establish or make more or less probable some matter in

issue upon which it directly or indirectly bears.” State v. Alexander, 303 S.C. 377, 380, 401 S.E.2d 146, 148 (1991); see Rule 401, SCRE (“‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”). Evidence which could assist the jury in arriving at the truth of an issue is relevant and should be admitted during trial. State v. Schmidt, 288 S.C. 301, 303, 342 S.E.2d 401, 403 (1986).

However, pursuant to Rule 404(b), SCRE, “[e]vidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show action in conformity therewith.” “This is so because under our system of justice, a conviction must be based upon evidence of the offense for which the accused is on trial rather than upon prior criminal or immoral acts.” State v. Hough, 319 S.C. 104, 107, 459 S.E.2d 863, 865 (Ct. App. 1995). Evidence of a defendant’s prior crimes or bad acts is limited to establish motive, intent, the absence of mistake or accident, the existence of a common scheme or plan, or the identity of the perpetrator. State v. Martucci, 380 S.C. 232, 251-252, 669 S.E.2d 598, 608 (Ct. App. 2008). See also State v. Pagan, 369 S.C. 201, 211, 631 S.E.2d 262, 267 (2006) (“Evidence of other crimes, wrongs, or acts is generally not admissible to prove the defendant's guilt for the crime charged. Such evidence is, however, admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident or intent.”); State v. Benjamin, 345 S.C. 470, 479-80, 549 S.E.2d 258, 263 (2001) (holding evidence of a defendant's subsequent bad act was admissible to show the defendant's intent during the commission of the charged crime).

Furthermore, evidence of a defendant’s prior crimes or bad acts may also properly be admitted if those acts form part of the res gestae of the charged offense. Anderson v.

State, 354 S.C. 431, 435, 581 S.E.2d 834, 836 (2003). The res gestae theory recognizes that evidence of other bad acts may be an integral part of a charged crime or may be necessary to aid the fact finder in understanding the context in which the crime occurred. State v. Preslar, 364 S.C. 466, 473, 613 S.E.2d 381, 385 (Ct. App. 2005). To constitute part of the res gestae of an offense, it is important that the prior bad acts have a close temporal proximity to the charged crime. Martucci, 380 S.C. at 258, 669 S.E.2d at 612. In State v. Adams, 322 S.C. 114, 122, 470 S.E.2d 366, 370-371 (1996), the Supreme Court explained the res gestae theory:

One of the accepted bases for the admissibility of evidence of other crimes arises when such evidence “furnishes part of the context of the crime” or is necessary to a “full presentation” of the case, or is so intimately connected with and explanatory of the crime charged against the defendant and is so much a part of the setting of the case and its “environment” that its proof is appropriate in order “to complete the story of the crime on trial by proving its immediate context or the ‘res gestae’ ” or the “uncharged offense is ‘so linked together in point of time and circumstances with the crime charged that one cannot be fully shown without proving the other . . .’ [and is thus] part of the res gestae of the crime charged.” And where evidence is admissible to provide this “full presentation” of the offense, “[t]here is no reason to fragmentize the event under inquiry” by suppressing parts of the “res gestae.”

(citations omitted and alteration in original), overruled on other grounds by State v. Giles, 407 S.C. 14, 754 S.E.2d 261 (2014). Thus, where a prior bad act is “inextricably intertwined” with a charged offense, the evidence of the prior bad act is admissible as part of the res gestae of the crime. Id. at 122, 470 S.E.2d at 371. See also State v. McGee, 408 S.C. 278, 288, 758 S.E.2d 730, 735 (Ct. App. 2014) (holding that when “the uncharged offense is so linked together in point of time and circumstances with the crime charged that one cannot be fully shown without the other . . . [and is thus] part of the res

gestae of the crime charged[,]” evidence of the uncharged act is admissible (first and second alterations by court) (internal citations omitted).

Significantly, “[a] trial judge has considerable latitude in ruling on the admissibility of evidence and his rulings will not be disturbed absent a showing of probable prejudice.” State v. Kelley, 319 S.C. 173, 176, 460 S.E.2d 368, 370 (1995). Decisions to admit or exclude evidence rest in the sound discretion of the trial judge and will only be reversed on appeal for a prejudicial abuse of discretion. State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” State v. McDonald, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000). “Prejudice occurs when there is reasonable probability the wrongly admitted evidence influenced the jury's verdict.” State v. Byers, 392 S.C. 438, 444, 710 S.E.2d 55, 58 (2011).

In the case at bar, the evidence presented pertaining to Petitioner’s November 24, 2013, arrest was an integral part of the offense for which she was on trial and was necessary to aid the jury in understanding the context in which the November 23, 2013, burglary occurred. Petitioner was arrested mere hours after the initial nighttime burglary at DeLoach’s residence. DeLoach’s watch fell out of Petitioner’s pocket when she was taken into custody. Medication prescribed to DeLoach was also partially concealed in her blouse at the time of her arrest. Both medications and jewelry were the primary focus of the November 23, 2013, burglary according to the testimony of Sauls. Furthermore, Sauls’s testimony was corroborated by the search of Petitioner’s home subsequent to her November 24, 2013, arrest. Petitioner’s claim “[t]here was no evidence that similar items were taken during both burglaries” is completely inaccurate and a gross mischaracterization of the record. See PWC p. 12. Petitioner was arrested with both

prescription medications and jewelry on her person—the very items taken from DeLoach’s home the prior evening and found at her residence following her arrest. The testimony regarding her November 24, 2013 is highly pertinent to the charged crime of first degree burglary. Thus, the testimony was relevant to Petitioner’s case by helping to explain the circumstances and context of the crime and was necessary for a full presentation of the case. Accordingly, the challenged evidence was admissible as part of the res gestae of Petitioner’s crime. The trial court did not abuse its discretion in admitting the challenged evidence.

Furthermore, evidence of Petitioner’s November 24, 2014, arrest was admissible under Rule 404(b), SCRE, to establish motive or a common scheme or plan. Evidence of Petitioner’s November 24, 2013, arrest and the discovery of stolen jewelry and prescription medications on her person established her motive behind the home invasions. The jury could infer that her motive in entering DeLoach’s residence was to steal medications and jewelry based on this evidence. The trial court properly admitted the challenged evidence to establish motive pursuant to Rule 404(b), SCRE.

Additionally, the evidence was also properly admitted to show a common scheme or plan. “When determining whether evidence is admissible as common scheme or plan, the trial court must analyze the similarities and dissimilarities between the crime charged and the bad act evidence to determine whether there is a close degree of similarity. When the similarities outweigh the dissimilarities, the bad act evidence is admissible under Rule 404(b).” State v. Wallace, 384 S.C.428, 433, 683 S.E.2d 275, 277-78 (2009). In Petitioner’s case, the striking similarities between the two burglaries are abundant. Both involve the invasion of the same residence within mere hours with a primary objective of taking prescription medication and jewelry. Both jewelry and prescription medications

were stolen during each burglary. The only difference between the two crimes (other than the obvious temporal difference) is that Petitioner was alone when the second burglary was committed. The similarities in this case certainly outweigh the slight difference of being arrested alone rather than with co-defendants. The trial court properly admitted the evidence of her November 24, 2013, arrest under a common scheme or plan pursuant to Rule 404(b), SCRE.

Accordingly, the trial court properly admitted evidence from Petitioner's November 24, 2013, arrest under the res gestae theory and as motive or a common scheme or plan under Rule 404(b), SCRE. The Court of Appeals properly affirmed the trial court. This petition for a writ of certiorari should be denied.

B. Harmlessness of Any Error in the Admission of the Evidence

Even assuming the trial court had erred in admitting evidence from Petitioner's November 24, 2013, arrest, the error had no impact on the outcome of Petitioner's case. Appellate courts will generally not set aside a judgment based on insubstantial errors not affecting the result. State v. Sherard, 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991). After an error is found, the appellate court must then review the other evidence considered at trial besides the erroneously admitted evidence. State v. Baccus, 367 S.C. 41, 55, 625 S.E.2d 216, 223 (2006). Error is harmless beyond a reasonable doubt if it does not contribute to the verdict. State v. Fletcher, 379 S.C. 17, 25, 664 S.E.2d 480, 484 (2008). "When guilt has been conclusively proven by competent evidence such that no other rational conclusion can be reached, the Court should not set aside a conviction because of insubstantial errors not affecting the result." State v. Bailey, 298 S.C. 1, 5, 377 S.E.2d 581, 584 (1989). Thus, when overwhelming evidence of guilt has been presented or when erroneously admitted evidence is merely cumulative to other properly admitted

evidence, any trial error may be harmless. See State v. Gathers, 295 S.C. 476, 480-481, 369 S.E.2d 140, 143 (1988) (“[I]n view of the overwhelming evidence of Petitioner's guilt, we hold any error harmless beyond a reasonable doubt.”); State v. Blackburn, 271 S.C. 324, 329, 247 S.E.2d 334, 337 (1978) (“Under settled principles, the admission of improper evidence is harmless where it is merely cumulative to other evidence.”).

In Petitioner's case, the challenged evidence on appeal was regarding her November 24, 2013, arrest for second-degree burglary at the same residence she was indicted for burglarizing the night before. This testimony included her arrest at the residence and that she had a stolen men's watch and prescription medications for Charles DeLoach on her person when she was taken into custody. This testimony had no bearing on the outcome of Petitioner's trial in light of the overwhelming evidence of her guilt. Petitioner's co-defendant Sauls testified she actively participated in the burglary the night prior. Furthermore, an unchallenged search of Petitioner's home conducted with her consent and cooperation yielded bags of items stolen from the DeLoach's residence.

Viewing the challenged testimony in relation to the other evidence of Petitioner's guilt presented during trial, any error that possibly could have resulted by virtue of the introduction of evidence pertaining to her November 24, 2013 arrest was entirely harmless. Most significantly, Petitioner's co-defendant testified in detail about Petitioner's involvement in the November 23, 2013, evening burglary, which was corroborated by a search of Petitioner's house, during which both of her co-defendants were present, resulting in the discovery of bags of stolen items from the DeLoach's residence. This evidence alone overwhelmingly and conclusively established Petitioner's guilty for first-degree burglary. Therefore, the November 24, 2013, arrest evidence was inconsequential when considered in relation to the other evidence presented during trial.

See State v. Haselden, 353 S.C. 190, 196, 577 S.E.2d 445, 448 (erroneous admission of evidence is harmless beyond a reasonable doubt if its impact is minimal in the context of the entire record); see also State v. Forney, 321 S.C. 353, 358, 468 S.E.2d 641, 644 (1996) (“Evidence of the expressed threat to kill Beth Ann is of minimal impact in the context of the properly admitted evidence of Petitioner’s use of a deadly weapon during the North Carolina armed robbery. Accordingly, even if evidence of the expressed threat was improper, its impact was minimal in the context of the entire record and any error is harmless beyond a reasonable doubt.”).

Furthermore, the evidence of Petitioner’s November 24, 2013, arrest was cumulative to the other unchallenged evidence establishing Petitioner’s guilt. Sauls testified the three entered the home with the intent to steal prescription medications and prescription medications were found during the search of Petitioner’s home. Additionally, Sauls testified jewelry was stolen from the 108 Plywood Street residence and jewelry was found at a subsequent search of Petitioner’s home. Therefore, any evidence regarding Petitioner’s November 24, 2013, arrest was merely cumulative to the other evidence presented. Accordingly, assuming the evidence regarding the November 24, 2013, arrest was admitted in error, the challenged evidence was entirely cumulative to other properly admitted evidence. See State v. Oglesby, 384 S.C. 289, 293, 681 S.E.2d 620, 622 (Ct. App. 2009) (“[T]he admission of improper evidence is deemed harmless if it is merely cumulative to other evidence.”).

In light of the cumulative and inconsequential nature of the challenged evidence when viewed in relation to the other evidence presented during trial conclusively establishing Petitioner’s guilt, any error in the admission of the November 24, 2013, evidence was entirely harmless and could have had no impact on the ultimate outcome of

Petitioner's trial. See State v. Garner, 389 S.C. 61, 68, 697 S.E.2d 615, 618 (Ct. App. 2010) ("An insubstantial error is harmless when guilt is proven by competent evidence such that no other rational decision could be reached or when the evidence is merely cumulative of other evidence."). Even assuming the trial court abused its discretion in admitting the challenged evidence, Petitioner's conviction should not be reversed based on such an insignificant error. See State v. Bryant, 369 S.C. 511, 518, 633 S.E.2d 152, 156 (2006) ("[A]ppellate courts will not set aside convictions due to insubstantial errors not affecting the result."). The Court of Appeals properly affirmed Petitioner's conviction. This Court should deny this petition for a writ of certiorari.

CONCLUSION

For all the foregoing reasons, Respondent respectfully submits this petition for a writ of certiorari should be denied.

Respectfully submitted,

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STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within Return to Petition for Writ of Certiorari on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Tiffany L. Butler, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 18th day of April, 2016.

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Assistant Attorney General
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April 18, 2016