

State of South Carolina, County of Greenwood  
In the Court of General Sessions, Eighth Judicial Circuit

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FILED GENERAL SESSIONS  
8TH JUDICIAL CIRCUIT  
GREENWOOD, S.C.

State of South Carolina

Indictment nos.

**RECEIVED**

2013-GS-24-1872, 1873, 1874,  
and 1875; 2014-GS-24-1262

vs.

JUL 11 2018

Corey Brown

SC Court of Appeals

Order Granting New Trial

Defendant.

This matter came before the Court for a hearing on October 6, 2014, on Defendant's motion for a new trial. Mr. Brown<sup>1</sup> was present and represented by Jane H. Merrill, and the State was represented by Assistant Solicitors Aaron Taylor and Elizabeth White. On August 14, 2014, Mr. Brown was convicted by a jury on charges of Armed Robbery, Kidnapping, and Conspiracy, and he was sentenced to 25 years imprisonment. Thereafter, he timely filed a motion for a new trial.

Mr. Brown argued the court should grant a new trial because evidence discovered after the trial showed the State made a plea offer to at least one of the testifying co-defendants prior to Mr. Brown's trial, which was never disclosed to Mr. Brown and which contradicts testimony the State presented. The State called two co-defendants, Shadarron Evans (Evans) and Antonio Nicholson (Nicholson). Both testified that the State

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CCCP AND GS  
GREENWOOD COUNTY  
S. C.

<sup>1</sup> Mr. Brown is currently in the custody of the South Carolina Department of Corrections, and his inmate number is 361112.

had not made them any offers or promised them anything in exchange for their testimony.

After his trial, Mr. Brown learned that the State extended an offer to Evans. He provided proof through recordings of Evans' phone calls from the Greenwood County Detention Center, discovered after trial but recorded beforehand, that reveal the State initially offered Evans thirteen years. But after meeting with his attorney and a solicitor, Evans believed if he testified, the State would present him a more favorable offer allowing him to plead guilty to a non-violent offense instead of to his original violent offenses. The State did not disclose to Mr. Brown, or the tribunal, its offer to Evans or the discussions the solicitor had with Evans and his attorney.

Evans' pretrial prediction about the resolution of his charges, captured on the recorded phone calls, came to fruition just ten days after Mr. Brown's trial. On August 26, 2014, the State transported Evans to another county where he pleaded guilty to two nonviolent offenses, Criminal Conspiracy and False Imprisonment (a direct indictment to which he waived presentment to the grand jury). Evans was sentenced to 4 years for criminal conspiracy and a consecutive suspended sentence for false imprisonment. As part of their plea deal, the State dismissed Evans' indictments for Kidnapping and Armed Robbery.<sup>2</sup> Failing to disclose this material evidence prejudiced Mr. Brown.

The State dismissed Nicholson's Armed Robbery and Kidnapping indictments as part of a plea deal on October 13, 2016. Nicholson then pleaded guilty to one count of criminal conspiracy for which his sentence was suspended to probation.<sup>3</sup> The State made this deal with Nicholson,

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<sup>2</sup> Evans was indicted for Kidnapping (2013-GS-24-1647), Armed Robbery (2013-GS-24-1648), and Conspiracy (2014-GS-24-1276). He waived presentment to the grand jury on a direct indictment for False Imprisonment (2014-GS-24-1444).

<sup>3</sup> Nicholson was indicted for Kidnapping (2013-GS-24-1705), Armed Robbery (2013-GS-24-1704), and Criminal Conspiracy (2014-GS-24-1309).

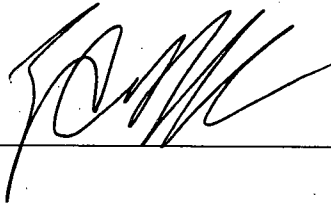
even though he was charged with another criminal offense, while out on bond.<sup>4</sup>

Mr. Brown also argued he should be granted a new trial because there was no pretrial *Neil v. Biggers* hearing, additional material evidence was withheld, there was improper witness identification during trial, and the jury heard improper testimony about Mr. Brown's criminal history.

The Court grants Mr. Brown's motion for a new trial based on the foregoing and the evidence and arguments presented in the motion for a new trial and subsequent hearing.

**ORDER**

For the foregoing reasons, it is ordered that Defendant Corey Brown is granted a new trial.



Eugene C. Griffith, Jr.  
Circuit Court Judge  
Eighth Judicial Circuit

May 29, 2018

Newberry, SC

<sup>4</sup> Nicholson was arrested and charged with Domestic Violence, 2nd degree (2015A2420100929) on April 27, 2016, and the State dismissed it on November 10, 2016.

