

S.E.2d 50 (1996)). ‘The law to be charged must be determined from the evidence presented at trial.’ *Brandt*, at 549, 713 S.E.2d at 603 (2011) (citing *State v. Knoten*, 347 S.C. 296, 302, 555 S.E.2d 391, 394 (2001)). “If there is any evidence to support a charge, the trial court should grant the request.” *Id.* (citing *State v. Williams*, 367 S.C. 192, 195, 624 S.E.2d 443, 445 (Ct. App. 2005)). “Errors, including erroneous jury instructions, are subject to harmless error analysis.” *State v. Belcher*, 385 S.C. 597, 611, 685 S.E.2d 802, 809 (2009).

FACTS

The Crime

At approximately 6:30am, Katrina Brown (hereinafter “Katrina”) was hosting numerous friends at her home located at **-* Norman Street, an area known as Gadsden Green in downtown Charleston. (Tr. p. 149, line 25 through p. 150, line 2). They were listening to music, playing cards, and enjoying each other’s company. One such friend was victim Antwan Frost, (aka “Brother Dusty”, herein after referred to as Victim). Without warning, Katrina, along with her guests, were shot at from the backdoor window by a high caliber assault rifle. A total of 14 rounds were fired into the home. (Tr. p. 194-195). Kerri Brown, and her cousin, Tierra Brown were injured in the attack. (Tr. p. 82-83; p. 85). Victim was struck by multiple pieces of shrapnel from fragmented bullets. Both women survived the attack, but the fragmented bullet that struck Victim pierced his heart and caused him to bleed internally. (Tr. p. 269). He died shortly after the attack.

The evidence and testimony presented at trial demonstrated the following facts:

Investigation and Forensics

Crime scene investigator Sarah Gladwell testified that she began her investigation and processing of evidence on the outside of the home, as police were still in the process of acquiring a search warrant for the home itself. She recovered a total of fourteen (14) fired shell casings

testified that Appellant was a love interest of hers who had stayed with her the night before the shooting. (Tr. p. 323, lines 3-14).

Detective Tuttle acquired the cell phone numbers associated to both Appellant and co-defendant Richardson and obtained a search warrant for both numbers, which provided authorities with various information including incoming calls, outgoing calls, text messages, and tower/sector data. (Tr. p. 450, line 2 through p. 451, line 1; p. 527, line 15 through 528, line 8; p. 530, lines 5-13). FBI Special Agent Clayton Simmonds testified that these two phones contacted each other just prior to the time of the murder. (Tr. p. 536, lines 7-25; p. 558, lines 15-21). Agent Simmonds testimony also demonstrates that the tower/sector usage history from these phones is consistent with the phones being located in the downtown area at the time of the murder. (Tr. p. 554, line 17 through 555, line 23; p. 556, lines 4-20).

Detective Tuttle testified that he spoke with Ms. Peggy Blake, a potential witness, many times over the course of the investigation. (Tr. p. 605, lines 4-9). He testified that he was aware of the possible involvement of a lime green getaway car. (Tr. p. 606, lines 9-11). He testified that in his investigative efforts, which included review of all surveillance camera footage, he did not witness any car matching the lime green car description provided by Ms. Blake. (Tr. p. 607, lines 7-10). He testified that the camera footage clearly refuted the information provided by Ms. Blake. (Tr. p. 614, lines 1-7).

Testimony of Katrina Brown

In September 2015, Ms. Katrina Brown (hereinafter "Katrina") lived at **-* Norman Street. (Tr. p. 62, line 7). She testified that she had guests over at her home starting on Thursday night, September 17, 2015, while here kids were at the local school's football game. Those guests included her sister, Kerri, her neighbor, her cousin, and others. (Tr. p. 66, 14-20; p. 67,

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

THE STATE,

Respondent,

v.

MONTRELLE LAMONT CAMPBELL,

Appellant. AUG 10 2019

SC Court of Appeals

Appellate Case No. 2018-000115

CERTIFICATE OF SERVICE

I, W. Joseph Maye, counsel for the Respondent, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two (2) copies of the same in the United States mail, addressed to her attorney of record: Laura M. Caudy, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 1st day of July, 2019.



W. Joseph Maye

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ATTORNEY GENERAL

August 16, 2019

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201
Attention: Jacklyn Orr

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SC Court of Appeals

Re: *The State v. Montrelle Lamont Campbell*
Appeal from Charleston County
Appellate Case No. 2018-000115

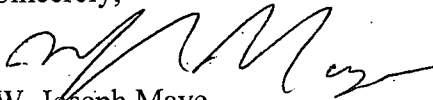
Dear Ms. Kitchings:

Upon preparing the Final Brief of Respondent, counsel noticed that two pages of the Initial Brief had not been redacted. Also upon review, counsel noticed that the Certificate of Service to the Initial Brief of Respondent had the incorrect caption. Counsel for Appellant has graciously consented to these changes via email today.

Accordingly, I am enclosing the corrected pages 4 and 6 to the Initial Brief of Respondent, as well as the corrected Certificate of Service which was originally filed on July 1, 2019.

Thank you for your assistance in this matter.

Sincerely,


W. Joseph Maye
Assistant Attorney General

WJM:dmd
Enclosures

cc: Lara M. Caudy, Esq. (w/ two copies of encls.)
The Honorable Scarlett A. Wilson, Solicitor Ninth Judicial Circuit (w/ copy of encls.)
Trisha Allen, Victims Advocacy Division (w/copy of encls.)