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**Dec 10 2020**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY COURT OF GENERAL SESSIONS  
The Honorable Diane Schafer Goodstein, Circuit Court Judge

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Appellate Case No. 2019-001430

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THE STATE,

Respondent,

v.

SHAQUILLE BRADON DOZIER

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Appellant.

**INITIAL BRIEF OF RESPONDENT**

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... ii

STATEMENT OF ISSUE ON APPEAL.....1

STATEMENT OF THE CASE.....2

STATEMENT OF FACTS .....3

STANDARD OF REVIEW .....5

ARGUMENT .....6

    I.    The trial judge correctly ruled that Appellant was competent to proceed to  
          trial for carjacking and failure to stop for a blue light .....6

CONCLUSION.....10

## TABLE OF AUTHORITIES

### Cases

<u>State v. Bennett</u> , 415 S.C. 232, 781 S.E.2d 352 (2016).....	6
<u>State v. Condrey</u> , 349 S.C. 184, 562 S.E.2d 320 (Ct. App. 2002).....	5, 6
<u>State v. Curtis</u> , 356 S.C. 622, 591 S.E.2d 600 (2004).....	5, 6
<u>State v. Dantonio</u> , 376 S.C. 594, 658 S.E.2d 337 (Ct. App. 2008).....	5, 6
<u>State v. Gaster</u> , 349 S.C. 545, 564 S.E.2d 87 (2002).....	5, 6
<u>State v. Gracely</u> , 399 S.C. 363, 731 S.E.2d 880 (2012).....	5
<u>State v. Middleton</u> , 367 S.C. 527, 626 S.E.2d 74 (Ct. App. 2006).....	7
<u>State v. Myers</u> , 313 S.C. 391, 438 S.E.2d 236 (1993).....	8
<u>State v. Pinckney</u> , 339 S.C. 346, 529 S.E.2d 526 (2000) .....	5, 6

### Statutes

S.C. Code Ann §16-11-310 (2015).....	7
S.C. Code Ann §16-11-312(B)(2)(2003).....	7

## **STATEMENT OF ISSUE ON APPEAL**

The trial judge correctly ruled that Appellant was competent to proceed to trial for carjacking and failure to stop for a blue light

## **STATEMENT OF THE CASE**

Appellant was indicted by a Horry County Grand Jury for carjacking and failure to stop for a blue light. Appellant proceeded to a jury trial on August 19-21, 2019, in the Horry County Court of General Sessions before the Honorable Diane Schafer Goodstein. The State was represented by Assistant Solicitors Joshua D. Holford and Cara Walker. Martin Spratlin represented the Appellant. The jury found Appellant guilty as indicted and he was sentenced to concurrent sentences of fifteen years' imprisonment for carjacking and three years' imprisonment for failure to stop for a blue light. This appeal follows.

## STATEMENT OF FACTS

On July 3, 2018, at around 10:30 in the morning, Kathleen Schneider (victim) and her husband drove to his gym in Horry County. (Tr. 117). After victim dropped her husband off at the gym she was approached by a man in a blue shirt, who opened the door, pulled her out of the car, and threw her on to the asphalt. (Tr. 117-118). The man then stole her gray Jeep Wrangler Unlimited Rubicon. (Tr. 127). Victim called the police and was able to give a description of the man and her car. (Tr. 118).

Crystal Buckingham, Patrol Supervisor for the Horry County Police Department, received a call regarding a carjacking at Inlet Square Mall. (Tr. 126). Buckingham received a description of the carjacker being a young, light skinned, black male. (Tr. 127). As Buckingham was driving to the location of the incident, she spotted a car that matched the description of the stolen vehicle. (Tr. 127). Buckingham began following the vehicle and observed that the driver matched the description of the suspect given by the victim. (Tr. 127).

Buckingham followed the suspected vehicle with her lights and sirens activated. (Tr. 128). After running a few red lights, the suspect, later identified as Appellant, pulled over near a Speedway gas station. (Tr. 128). Floyd Truss, a patrolman with Horry County Police Department, pulled up next to Buckingham and exited his vehicle. (Tr. 143). He testified he observed a grey vehicle matching the description of the suspected vehicle and the driver was a light skinned black male with a blue shirt. (Tr. 143). The vehicle then took off again and was weaving through traffic at high speeds. (Tr. 129). Both Buckingham and Truss chased the vehicle with lights and sirens activated. (Tr. 133, 144).

The suspect ultimately rear-ended another vehicle and the jeep drifted towards the sidewalk. (Tr. 129). The driver exited the vehicle and was apprehended by Truss. (Tr.130). The

driver matched the description given by the victim and was identified as Appellant, Shaquille Dozier. (Tr. 130, 145). Appellant was charged with carjacking and failure to stop for blue lights.

A pretrial Blair<sup>1</sup> hearing was held to determine if Appellant was competent to stand trial. (Tr. 29). The date of the evaluation was December 27, 2018. (Tr. 19). Dr. Sheresa Christopher was the Supervisor for Appellant's competency evaluations. (Tr.19).

Dr. Christopher testified that she performed the Miller Forensic Assessment of Symptoms Test (MFAST) on Appellant and the results indicated that Appellant was not being forthright. (Tr. 26). Christopher determined that further testing was needed. (Tr. 26). The Inventory of Legal Knowledge (ILK) was performed to measure whether someone is feigning deficits in competency. (Tr. 27). Christopher testified that Appellant's results in the ILK test provided a pretty clear indication he was faking his symptoms. (Tr. 27). Christopher then spoke with Appellant and told him to put forth all of his effort and his performance greatly improved. (Tr. 27-28).

Christopher testified that in making a decision on Appellant's competency she also reviewed his mental health and detention center records. (Tr. 28). There was no evidence of Appellant having hallucinations in any of these records. (Tr. 29). Christopher further explained that although hallucinations were reported in October of 2018, the medical professionals' notes in those records seemed to believe otherwise stating there were "goal directed conversations" and "logical conversations." (Tr. 30). Christopher testified in the Blair hearing that notes such as those question the accuracy of the alleged symptoms. (Tr. 30). Christopher concluded from the records and those tests that Appellant was competent to stand trial. (State's Exhibit 5).

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<sup>1</sup> State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981).

Christopher also had a chance to meet with Appellant on the morning of trial and found that he had a great understanding and was still competent to stand trial. (Tr. 32-33). The trial judge ruled Appellant was competent to stand trial stating “I have listened to Dr. Christopher...I have listened to your well posed questions on both sides and I believe that the State has met its burden under the Blair decisions and the South Carolina related decisions and I do make a finding that Mr. Dozier is competent to stand trial.” (Tr. 40). Appellant proceeded to trial and was convicted on both charges. (Tr. 215). This appeal follows.

## STANDARD OF REVIEW

“The test for competency to stand or continue trial is whether the defendant has the sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational as well as factual understanding of the proceedings against him.” State v. Bell, 293 S.C. 391, 395-396, 360 S.E.2d 706, 708 (1987). A trial court’s determination of competency will be upheld if it has evidentiary support and is not against the preponderance of the evidence. State v. Nance, 320 S.C. 501, 504-505, 466 S.E.2d 349, 351 (1996).

## ARGUMENT

**The trial judge correctly ruled that Appellant was competent to proceed to trial for carjacking and failure to stop for a blue light.**

Appellant argues the trial court erred when it ruled that Appellant was competent to proceed to trial for carjacking and failure to stop for a blue light. Appellant asserts that there was evidence that he was hallucinating at the time of trial. Appellant's argument lacks merit. Based on the evidence presented at trial the trial judge correctly found that Appellant was competent to stand trial.

"The test for determining competency to stand trial is whether the defendant has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and whether he has a rational as well as factual understanding of the proceedings against him." State v. Weik, 356 S.C. 76, 81, 587 S.E.2d 683, 685 (2002). In State v. Reed, Appellant was found competent to stand trial. State v. Reed, 332 S.C. 35, 503 S.E.2d 747 (1998). The trial judge concluded that Appellant had the factual understanding of proceedings. Id. The judge made this decision based on medical reports provided and testimony that Appellant did not have a pervasive paranoia that affected his ability to interact and to cooperate with counsel. Id. Our Supreme Court held that based on evidentiary support in the record, the trial court's determination of competency should be upheld. Id.

Similar to Reed, in this case there was evidence to support a ruling that Appellant was competent to stand trial. During the Blair hearing, Christopher testified to the results of the competency to stand trial evaluation. (State's Exhibit 5). The trial judge was able to review the Competency to Stand Trial Evaluation. Three separate people examined Appellant and all three concluded that Appellant was competent to stand trial because he had a factual and rational understanding of the proceedings against him and the capacity to rationally assist counsel in his

own defense. Id. Furthermore, Christopher met with Appellant on the morning of trial. (Tr. 32). She testified that Appellant still had a great understanding of the legal system. (Tr. 32-33).

Finally, Appellant alleges there was evidence in the record that Appellant was still hallucinating at trial. He mischaracterizes the testimony. During the Blair hearing, Appellant's counsel had the opportunity to cross-examine Christopher and bring out the possibility of the hallucinations. While Christopher could not unequivocally say that Appellant wasn't suffering from hallucinations, she saw no affirmative evidence that he was suffering from hallucinations on the day of the trial. (Tr. 33, 38). Further Christopher testified that even with hallucinations, Appellant could still be competent to testify, (Tr. 33).

Testimony was presented that Appellant was competent to stand trial and the trial judge was able to review a competency evaluation. Based on the evidence presented there was sufficient evidence to support the trial judge's ruling that Appellant was competent to stand trial. This Court should affirm.

**CONCLUSION**

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

Respectfully submitted,

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THE STATE

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Appellant

**PROOF OF SERVICE**

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I, Anne Mueller, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Victor R. Seeger, counsel of record for Appellant, by sending one copy by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.  
This 10<sup>th</sup> day of December, 2020.



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**Subject:** State v. Shaquille Bradon Dozier, 2019-001430  
**Date:** Thursday, December 10, 2020 11:13:00 AM  
**Attachments:** [Dozier Shaquille - Initial Brief of Respondent and Designation of Matter \(02445593xD2C78\).pdf](#)  
[Dozier Shaquille - Cover letter for IBOR \(02445585xD2C78\).pdf](#)

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Good morning Mr. Seeger.

Attached to this email is a copy of the State's cover letter and Initial Brief of Respondent and Designation of Matter. The brief and designation will be filed with the Court later today via AIS One Drive.

If you will, please respond to this email to confirm receipt of both the email and the attachments.

Thank you,  
Anne Mueller  
Legal Assistant



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