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Jun 06 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

QUATASE J. JENRETTE,

APPELLANT.

APPELLATE CASE NO. 2021-001108

ANDERS BRIEF OF APPELLANT

VICTOR R SEEGER
Appellate Defender

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred by refusing to grant a directed verdict because the state failed to present substantial circumstantial evidence that Appellant was guilty of involuntary manslaughter?

STATEMENT OF THE CASE

During the November 2018 term, the Horry County Grand Jury indicted Appellant for murder. R. 281 – 284.

On September 20 – 21, 2021, Appellant proceeded to trial before the Honorable Michael G. Nettles, and a jury. R. 1. Jonathon M. Hiller and J. Eric Fox represented Appellant. Id. Joshua D. Holford and Seth A. Oskin represented the state. Id.

The jury found Appellant guilty of the lesser included offense of voluntary manslaughter. R. 269, ll. 3 – 10. Judge Nettles sentenced Appellant to twenty-five years' imprisonment with credit for 1,344 days' time served. R. 279, ll. 1 – 19.

This appeal follows.

STANDARD OF REVIEW

“A case should be submitted to the jury when the evidence is circumstantial ‘if there is any substantial evidence which reasonably tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced.’” State v. Bostick, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011) (quoting State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)). “Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt.” Id. “Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error.” Id. at 139, 708 S.E.2d at 776-777. “On appeal of the denial of a directed verdict of acquittal, this Court must look at the evidence in the light most favorable to the state.” Id. at 139, 708 S.E.2d at 777; see also State v. Hepburn, 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013). If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court’s denial of the directed verdict motion. Hepburn, 406 S.C. at 429, 753 S.E.2d at 409.

ARGUMENT

The trial court erred by refusing to grant a directed verdict because the state failed to present substantial circumstantial evidence that Appellant was guilty of involuntary manslaughter.

A shooting occurred in the late hours of January 5th to the early morning hours of January 6th, 2018, on or near Barts Road in Loris City of Horry County. R. 51, l. 8 – 52, l. 7. Law enforcement responded to a 9-1-1 call. R. 52, ll. 8 – 15. Once on the scene, Officer Green explained he saw two males and one female. Id. The decedent, Kendall Ray, was “lying on the ground being comforted by the female,” Waquita Brothers. R. 52, ll. 8 – 15; R. 59, ll. 16 – 19. The other male, Rashii Brisbon, on the scene was nearby and “seemed to be distraught.” R. 52, ll. 8 – 15; R. 59, ll. 16 – 19. Officer Green was not involved “in the development of any suspect” but the witnesses at the scene gave him a name Appellant’s name. R. 59, l. 21 – 60, l. 12.

The state’s expert witness Doctor Eric Eason testified that while he did not perform the autopsy and did not write the report, he did “independently review” the autopsy report and concluded that the decedent’s death was caused by a gunshot to the head. R. 70, l. 22 – 76, l. 16. Eason claimed that the doctor who performed the autopsy, Dr. Edward, was unavailable because he was on medical leave due to contracting COVID-19 “a few months ago,” but Eason testifying in Edwards’ stead was “standard procedure.” Id.

Detective John Brantly responded to the scene at 2:45 A.M. R. 95, l. 21 – 96, l. 19. Brantly interviewed the decedent’s mother and brother. R. 97, ll. 10 – 19. After speaking to them, Brantly developed Appellant as the suspect “almost immediately.” R. 99, ll. 11 – 15. Due to developing Appellant as a suspect “almost immediately” law enforcement did not conduct an investigation into any alternate suspects, instead they began searching for Appellant. R. 98, l. 18 – 100, l. 6. Brantly procured Appellant’s phone records but was unable to ascertain Appellant’s location based

on those records and was unable to “determine relevant or probative information in this case based on those records.” R. 104, l. 10 – 105, l. 10. Furthermore, Brantly admitted that law enforcement did not perform a photo-ID lineup because “the need for it was not there” as “the [decedent’s] family was insistent of the suspect’s identity.” R. 116, l. 3 – 117, l. 4; R. 120, l. 2 – 121, l. 13.

Further illustrating the limited nature of law enforcement’s investigation was the testimony from Investigator Dennis Lewis. Lewis swabbed several areas of the crime scene and swabbed a baseball hat found at the scene for DNA. R. 130, l. 25 – 132, l. 25; R. 134, l. 20 – 135, l. 18. None of the DNA swabs produced any inculpatory evidence. Lewis was forced to admit that law enforcement never located the murder weapon, never searched Appellant’s car, and never searched Appellant’s cell phone. R. 140, ll. 19 – 20; R. 145, l. 25 – 146, l. 12. Moreover, Lewis admitted there was no fingerprint evidence and no forensic evidence whatsoever pointing to Appellant as the suspect for the murder. R. 149, ll. 9 – 25.

Waquita Brothers, the decedent’s girlfriend, testified as well. R. 159, l. 24 – 160, l. 2. Brothers made an in-court identification of Appellant as the suspect. R. 175, ll. 4 – 11. Brothers claimed that she was inside her trailer with the decedent and his brother. R. 160, l. 11 – 165, l. 8. Appellant allegedly arrived at the trailer and knocked on the door. Id. He entered the trailer and told the decedent that he had a gun to sell. Id. The decedent went outside with Appellant to potentially buy the gun. Id. She claimed that the decedent did not bring a gun outside with him, that no one else came inside the house, and that she did not see anyone else outside the house. R. 165, l. 8 – 166, l. 2.

Brothers then went to take a shower and “not even five minutes” later she heard a single gunshot and got out of the shower. R. 166, ll. 3 – 8. She stated by the time she got out of the shower she heard “tires spinning out the yard.” Id. She admitted she did not go outside immediately but

started to get a “bad feeling” and eventually went outside. R. 167, ll. 2 – 19. She testified that she saw the decedent laying on the ground. Id. Brothers went back inside and told Rashii, decedent’s brother, to call 9-1-1. R. 168, ll. 1 – 4.

However, Brothers admitted that she did not see what happened outside. R. 168, l. 22 – 169, l. 4. She further admitted that there were no cameras outside that caught the incident. Id. Brothers confessed neither she nor Rashii went outside immediately after hearing the gunshot. R. 169, l. 10 – 170, l. 22. She also acknowledged that she did not look out the window to see who fired the gun shot. Id.

Yakima Ray, the decedent’s cousin, testified that she witnessed the incident from a neighbor’s yard. R. 178, l. 12 – 182, l. 23. Yakima stated that she saw Appellant knock on the door to the trailer and the decedent come outside. Id. Appellant allegedly showed the decedent “something” then “it turned into a scramble” and “they were tussling.” Id. Then she heard the gunshot. Id. After the truck “ran down the road” she ran across the street and saw Rashii running to where the decedent layed on the ground. Id.

Rashii Brisbon, the decedent’s brother, testified at Appellant’s as well. R. 191, ll. 9 – 13. Brisbon explained what he saw happen on the night of the incident. R. 191, l. 16 – 196, l. 10. Brisbon and the decedent were inside the trailer playing a game when Appellant allegedly knocked on the door. Id. Appellant said he had a gun to sell to the decedent and the decedent followed him outside. Id. Importantly, Brisbon stayed inside and did not see what transpired after the decedent left the trailer. Id.; R. 204, ll. 3 – 16.

Shortly after the decedent went outside, Brisbon said he heard one gunshot. R. 191, l. 16 – 196, l. 10. At first Brisbon did not pay any attention to the noise. Id. Only after Brisbon heard a truck driving away and seeing the decedent’s cell phone inside the trailer did he become alarmed.

R. 197, ll. 4 – 17. Brisbon opened the door and saw the decedent on the ground. R. 197, ll. 18 – 25. Brisbon then called 9-1-1, after calling his mother first. R. 198, ll. 1 – 7.

The state then rested its case and defense counsel moved for a directed verdict. R. 205, ll. 5 – 10; R. 205, l. 14 – 207, l. 3. Defense counsel explained that since there was no forensic evidence pointing to Appellant as the shooter and no one actually saw the evidence, or who fired the gun, this was a case where “the evidence submitted raises a mere suspicion of guilt.” R. 205, l. 14 – 207, l. 3. Accordingly, a directed verdict for the charge of murder should be granted in favor of Appellant. Id.

The trial court first question the attorneys for both sides as to whether there should be a charge on voluntary manslaughter. R. 207, l. 21 – 213, l. 1. Based on the evidence presented, especially in light of Yakima Ray’s testimony of the “scuffle,” the trial court felt “compelled” to give a jury charge for voluntary manslaughter. R. 213, ll. 4 – 7. After that discussion, the trial court denied the motion for a directed verdict for murder and voluntary manslaughter. R. 216, ll. 18 – 21. As a result, Appellant’s trial continued and Appellant was convicted of voluntary manslaughter. R. 269, ll. 3 – 10; R. 279, ll. 1 – 19.

Discussion

The South Carolina Supreme Court “has repeatedly affirmed the principle that when the State fails to produce substantial circumstantial evidence that the defendant committed a particular crime, the defendant is entitled to a directed verdict.” State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2011). In Odems, this Court cited State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011), and State v. Lollis, 343 S.C. 580, 541 S.E.2d 254 (2001), as “jurisprudence . . . instructive in explaining the proof required in cases built wholly on circumstantial evidence.” Id. Specifically, the trial court “should grant a directed verdict motion when the evidence merely raises a suspicion that the

accused is guilty.” Odems, 395 S.C. at 586, 720 S.E.2d at 50 (citation omitted). “Suspicion implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof.” See State v. Buckmon, 347 S.C. 316, 322, 555 S.E.2d 402, 404-05 (2001) (internal quotation omitted).

Murder is “the killing of any person with malice aforethought, either express or implied.” S.C. Code Ann. § 16-3-10. Voluntary manslaughter is the unlawful killing of a human being in the sudden heat of passion upon sufficient legal provocation. See State v. Smith 363 S.C. 111, 609 S.E.2d 528 (Ct. App. 2005).

In this case, the state only presented circumstantial evidence that “merely rais[ed] a suspicion” of Appellant’s guilt. See Bostick, 392 S.C. 134, 708 S.E.2d 774. Specifically, the state failed to show that Appellant was the shooter of the decedent. R. 206, ll. 8 – 11. Law enforcement conducted a cursory investigation taking the decedent’s family members’ word for who shot the decedent. R. 145, l. 19 – 146, l. 12. Those “witnesses” actually did not witness Appellant shoot the decedent. R. 168, ll. 22 – 23; R. 195, l. 15 – 196, l. 10. Both Brothers and Brisbon only saw the decedent leave the trailer with Appellant. R. 168, ll. 22 – 23; R. 195, l. 15 – 196. While Ray alleged she saw the incident, she did not see Appellant shoot the decedent, she only heard the gun go off. R. 181, l. 14 – 182, l. 23.

Additionally, Appellant never admitted guilt. There was no fingerprint evidence discovered. R. 149, ll. 21 – 24. There was no DNA evidence discovered. R. 146, ll. 10 – 13. The firearm was never located. R. 140, ll. 21 – 22. The police did not investigate Appellant’s cell phone and the cell site location information did not garner any inculpatory evidence. R. 104, l. 10 – 105, l. 15; R. 146, ll. 6 – 7. The police also did not search Appellant’s car. R. 146, ll. 4 – 5. The entirety of law enforcement’s investigation consisted of getting statements from the witnesses at the scene,

two of whom did not see what happened outside and the third could not definitively state that Appellant shot the decedent. R. 168, ll. 22 – 23; R. 195, l. 15 – 196, l. 10; R. 181, l. 14 – 182, l. 23. Accordingly, the trial court erred by refusing to grant Appellant’s directed verdict motion because the state failed to present substantial circumstantial evidence that Appellant was guilty. See Odems, 395 S.C. at 586, 720 S.E.2d at 50.

CONCLUSION

By reason of the foregoing arguments, Appellant respectfully requests that this Court vacate his conviction and remand his case to the Horry County Court of General Sessions.



Victor R Seeger
Appellate Defender

ATTORNEY FOR APPELLANT

This 6th day of June, 2022.

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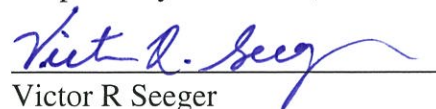
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Quatase J. Jenrette states:

1. He is Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. He has reviewed the record of appellant's trial before Judge Michael G. Nettles, which was held on September 20 - 21, 2021, and, in his opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. He has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, he asks the Court to relieve him as counsel for Quatase J. Jenrette.

Respectfully Submitted,



Victor R Seeger
Appellate Defender

ATTORNEY FOR APPELLANT

This 6th day of June, 2022.

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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Trial Transcript dated September 20-21, 2021; and
- (2) Indictment and Sentence Sheet

I certify that this designation contains no matter which is irrelevant to this appeal.



Victor R Seeger
Appellate Defender

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PO Box 11589
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ATTORNEY FOR APPELLANT

This 6th day of June, 2022.

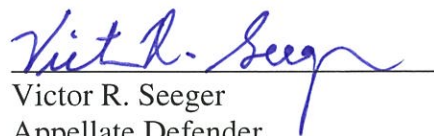
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SC Court of Appeals

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."


Victor R. Seeger
Appellate Defender

South Carolina Commission on Indigent Defense
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ATTORNEY FOR APPELLANT

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APPELLATE CASE NO. 2021-001108

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Quatase J. Jenrette, #386112, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 6th day of June, 2022.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: [William Blitch](#); "[Caroline Collins](#)"
Cc: [Seeger, Victor](#)
Subject: Jenrette, Q. - Anders Brief of Appellant, Designation of Matter & Record on Appeal - 2021-001108
Date: Monday, June 6, 2022 4:04:00 PM
Attachments: [Jenrette, Q. - Anders Brief of Appellant & Designation of Matter - 2021-001108.pdf](#)
[Jenrette, Q. - Anders Brief of Appellant & Designation of Matter - 2021-001108 - AG Cover Letter.pdf](#)
[Jenrette, Q. - Record on Appeal - 2021-001108.pdf](#)

Mr. Blitch,

Please find attached for service the Anders Brief of Appellant, Designation of Matter & Record on Appeal for Quatase Jenrette's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
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