

SUPREME COURT OF SOUTH CAROLINA

State v. Prather

Appellate Case No. 2018-000753, Opinion No. 27954 · No. Appellate Case No. 2018-000753 · Decided March 11, 2020

SUMMARY

The Supreme Court of South Carolina reversed the Court of Appeals and reinstated Robert Jared Prather’s convictions for murder and strong-arm robbery. The court held that crime-scene analysis testimony concerning staging and undoing was reliable expert testimony under Rule 702 of the South Carolina Rules of Evidence and was properly admitted as reply testimony. The court also rejected Prather’s additional sustaining grounds.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice James; Chief Justice Beatty; Justice Kittredge; Justice Few; Justice Hearn
JURISDICTION	South Carolina
DECIDED	March 11, 2020
DOCKET	Appellate Case No. 2018-000753
DISPOSITION	reversed
PROCEDURAL POSTURE	The State petitioned for a writ of certiorari from the South Carolina Supreme Court to review the Court of Appeals' decision reversing Robert Jared Prather's convictions and remanding for a new trial.
STANDARD OF REVIEW	Admission of reply testimony and expert testimony is reviewed for abuse of discretion. A trial court's decision to admit or exclude expert testimony will not be reversed absent a prejudicial abuse of discretion. A directed-verdict ruling is reviewed by viewing the evidence in the light most favorable to the State and affirming if there is any direct or substantial circumstantial evidence reasonably tending to prove guilt. Unpreserved issues are not reviewable on appeal.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	The State v. Robert Jared Prather

TOPICS

expert testimony

evidence

hearsay

preservation of error

appellate procedure

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether LaRosa's crime-scene-analysis testimony satisfied Rule 702 of the South Carolina Rules of Evidence, including the requirements that he be qualified and that the subject matter be reliable.
2. Whether LaRosa's testimony was proper reply testimony rebutting matters raised by Prather's testimony.
3. Whether LaRosa's testimony improperly invaded the province of the jury by addressing Prather's intent or guilt.
4. Whether the admission of redacted portions of Phillips's statement violated Prather's rights under the Confrontation Clause.
5. Whether the evidence was sufficient to deny Prather's motion for a directed verdict on the murder charge.
6. Whether the trial court properly excluded a deceased witness's written statement as hearsay within hearsay.
7. Whether additional claims of prosecutorial misconduct, due process violations, and inconsistent theories were preserved for appellate review.

HOLDINGS

1. The trial court did not abuse its discretion in finding LaRosa qualified as an expert in crime scene analysis.
2. The trial court did not err in finding LaRosa's crime-scene-analysis testimony reliable and admissible under Rule 702.
3. LaRosa's testimony did not rise to the level of inadmissible criminal profiling, and the decision does not approve criminal-profiling evidence in South Carolina courts.
4. The trial court did not abuse its discretion in admitting LaRosa's testimony as reply testimony.
5. LaRosa's testimony did not improperly invade the province of the jury or directly address Prather's state of mind or guilt.
6. Admission of the two one-word cutouts containing Phillips's misspelled word "rapeist" did not violate Prather's Confrontation Clause rights.
7. The trial court properly denied the directed-verdict motion because substantial evidence supported a finding that Prather's beating was a proximate contributing cause of the victim's death.
8. The trial court properly excluded Becknell's written statement because it contained hearsay within hearsay and Becknell's statement to law enforcement satisfied neither the present-sense-impression nor excited-utterance exception.

9. The prosecutorial-misconduct, due-process, hearsay, reliability, relevance, and inconsistent-theories claims were unpreserved and were not considered on the merits.

KEY QUOTATIONS

“We hold the trial court did not err in admitting the State's reply testimony, and we hold Prather's additional sustaining grounds are without merit.”

“Our holding shall in no way be considered as our approval of criminal profiling evidence in the courts of this State.”

“Reply testimony should be limited to rebuttal of matters raised by the defense.”

FACTUAL BACKGROUND

Robert Jared Prather and Joshua Phillips went to a hospital after Victim Gerald Stewart was beaten and killed in Stewart's home. Stewart was found face-down on a couch, covered with a blanket and pillow, with the word "rapist" carved into his back and a dildo placed under his armpit. Prather admitted to police and an emergency-room nurse that he had beaten Stewart, but testified that he struck Stewart only in self-defense and left Stewart alive while Phillips briefly returned to the residence. The State offered crime-scene analyst Paul LaRosa in reply to testify that the scene showed two conflicting post-crime behaviors, or "staging" and "undoing," indicating that two people were present after the crime.

PROCEDURAL HISTORY

Prather was convicted after a second trial of murder and strong arm robbery and received concurrent sentences of thirty years and ten years. The Court of Appeals, in a divided decision, reversed and remanded for a new trial, holding that the trial court improperly admitted crime-scene-analysis testimony offered by the State in reply and that the error was not harmless. The Supreme Court granted certiorari, reversed the Court of Appeals, and reinstated Prather's convictions and sentences.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court of Appeals' decision was reversed, and Prather's convictions and sentences were reinstated. No further remand instructions were provided.

CASES CITED

- State v. Prather, 422 S.C. 96, 810 S.E.2d 419 (Ct. App. 2017)
- State v. Tapp, 398 S.C. 376, 728 S.E.2d 468 (2012)
- State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009)
- State v. Stevens, 78 S.W.3d 817 (Tenn. 2002)

- *Simmons v. State*, 797 So. 2d 1134 (Ala. Crim. App. 1999)
- *State v. Chavis*, 412 S.C. 101, 771 S.E.2d 336 (2015)
- *Wilson v. Rivers*, 357 S.C. 447, 593 S.E.2d 603 (2004)
- *Gooding v. St. Francis Xavier Hosp.*, 326 S.C. 248, 487 S.E.2d 596 (1997)
- *O'Tuel v. Villani*, 318 S.C. 24, 455 S.E.2d 698 (Ct. App. 1995)
- *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 526 S.E.2d 716 (2000)
- *People v. Jackson*, 165 Cal. Rptr. 3d 70 (Cal. Ct. App. 2013)
- *People v. Robbie*, 112 Cal. Rptr. 2d 479 (Cal. Ct. App. 2001)
- *United States v. McDonald*, 933 F.2d 1519 (10th Cir. 1991)
- *State v. Spann*, 334 S.C. 618, 513 S.E.2d 98 (1999)
- *State v. Avendano-Lopez*, 904 P.2d 324 (Wash. Ct. App. 1995)
- *State v. Stewart*, 283 S.C. 104, 320 S.E.2d 447 (1984)
- *State v. Jones*, 416 S.C. 283, 786 S.E.2d 132 (2016)
- *State v. Huckabee*, 388 S.C. 232, 694 S.E.2d 781 (Ct. App. 2010)
- *State v. South*, 285 S.C. 529, 331 S.E.2d 775 (1985)
- *State v. McDowell*, 272 S.C. 203, 249 S.E.2d 916 (1978)
- *State v. Durden*, 264 S.C. 86, 212 S.E.2d 587 (1975)
- *State v. Commander*, 396 S.C. 254, 721 S.E.2d 413 (2011)
- *State v. Holmes*, 320 S.C. 259, 464 S.E.2d 334 (1995)
- *State v. Dunbar*, 356 S.C. 138, 587 S.E.2d 691 (2003)
- *Richardson v. Marsh*, 481 U.S. 200 (1987)
- *Bruton v. United States*, 391 U.S. 123 (1968)
- *Gray v. Maryland*, 523 U.S. 185 (1998)
- *State v. McDonald*, 412 S.C. 133, 771 S.E.2d 840 (2015)
- *State v. Henson*, 407 S.C. 154, 754 S.E.2d 508 (2014)
- *Crawford v. Washington*, 541 U.S. 36 (2004)
- *State v. Hernandez*, 382 S.C. 620, 677 S.E.2d 603 (2009)
- *State v. Cope*, 405 S.C. 317, 748 S.E.2d 194 (2013)
- *State v. Buckmon*, 347 S.C. 316, 555 S.E.2d 402 (2001)
- *State v. Burton*, 302 S.C. 494, 397 S.E.2d 90 (1990)
- *State v. Hendricks*, 408 S.C. 525, 759 S.E.2d 434 (Ct. App. 2014)
- *State v. Washington*, 379 S.C. 120, 665 S.E.2d 602 (2008)
- *Ladner*, 373 S.C. 119, 644 S.E.2d 693
- *State v. Ellis*, 345 S.C. 175, 547 S.E.2d 490 (2001)