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Dec 06 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Spartanburg County
Honorable Lee S. Alford, Circuit Court Judge

Opinion No. 2022-UP-340 (S.C. Ct. App. Filed August 17, 2022)

Lower Court Case No. 2017-GS-42-02256

THE STATE,

RESPONDENT,

V.

AMY N. TAYLOR,

PETITIONER

APPELLATE CASE NO. 2019-001117

PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS

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INDEX

INDEX i

CERTIFICATE OF COUNSEL 1

QUESTION PRESENTED.....2

STATEMENT OF THE CASE.....3

ARGUMENT

The Court of Appeals erred in finding that the circuit court did not abuse its discretion when it redefined the term household member under the domestic violence statute which drastically narrowed the time frame that the circuit court considered in determining whether Petitioner showed a “long-term history” of domestic abuse sufficient to satisfy the standard required by S.C. Code Ann. §16-25-90 and where the ruling of the circuit court was not supported by the evidence.5

Relevant Facts5

Discussion.....17

CONCLUSION.....23

CERTIFICATE OF COUNSEL

Counsel for Petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on October 20, 2022.

QUESTION PRESENTED

Did the Court of Appeals err in finding that the circuit court did not abuse its discretion when it redefined the term household member under the domestic violence statute which drastically narrowed the time frame that the circuit court considered in determining whether Petitioner showed a “long-term history” of domestic abuse sufficient to satisfy the standard required by S.C. Code Ann. §16-25-90 and where the ruling of the circuit court was not supported by the evidence?

STATEMENT OF THE CASE

On June 7, 2019, a Spartanburg County grand jury indicted Petitioner for one count of murder and one count of possession of a weapon during the commission of a violent crime. R. 266. The State, represented by Eddie Hunter and Hope Coleman-Hicks, called the case to trial before the Honorable Lee Alford and a jury on June 24, 2019. R. 1. Beverly Jones represented Petitioner. R. 1.

On the third day of trial, Petitioner entered a guilty plea to one count of murder. R. 42-54. The following day, Judge Alford sentenced Petitioner to forty-five years' imprisonment. R. 59-60. On June 28, 2019, a hearing was held to determine if Petitioner qualified for the one-fourth parole eligibility as a victim of domestic violence pursuant to S.C. Code Ann. § 16-25-90. R. 61-262. Judge Alford ruled that Petitioner had not met her burden of proof and was therefore not entitled to one-quarter parole eligibility pursuant to S.C. Code Ann. § 16-25-90. R. 247-262.

Following the conclusion of that hearing, Petitioner moved for a sentence reconsideration. R. 262, ll. 8-16. Judge Alford reduced Petitioner's sentence to thirty-five years' imprisonment. R. 263-265. On July 2, 2019, Petitioner filed a notice of appeal. At the direction of the Court of Appeals, Petitioner filed an explanation of the appeal pursuant to Rule 203 (d)(1)(B), SCACR, on July 17, 2019, and the direct appeal proceeded.

Final briefing by the parties was completed in October 2020. The parties appeared before the Court of Appeals for oral argument on May 12, 2022. On August 17, 2022, the Court of Appeals affirmed the ruling of the circuit court in an unpublished *per curiam* opinion. See State v. Taylor, Op. No. 2022-UP-340 (Ct. App. filed August 17, 2022). A petition for rehearing was filed on September 1, 2022. The Court of Appeals issued an order denying rehearing on October 20, 2022. This Petition for writ of certiorari to the Court of Appeals follows.

STANDARD OF REVIEW

In criminal cases, the appellate court sits to review errors of law only and is bound by factual findings of the trial court unless an abuse of discretion is shown. State v. Laney, 367 S.C. 639, 643, 627 S.E.2d 726, 729 (2006). “An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support.” State v. Black, 400 S.C. 10, 16, 732 S.E.2d 880, 884 (2012) (quoting State v. Jennings, 394 S.C. 473, 477–78, 716 S.E.2d 91, 93 (2011)). The appellate court does not reevaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial judge's ruling is supported by any evidence. State v. Winkler, 388 S.C. 574, 583, 698 S.E.2d 596, 601 (2010).

ARGUMENT

The Court of Appeals erred in finding that the circuit court did not abuse its discretion when it redefined the term household member under the domestic violence statute which drastically narrowed the time frame that the circuit court considered in determining whether Petitioner showed a “long-term history” of domestic abuse sufficient to satisfy the standard required by S.C. Code Ann. §16-25-90 and where the ruling of the circuit court was not supported by the evidence.

Relevant Facts

Amy and Sprouse’s Relationship

Petitioner, Amy Taylor (hereinafter Amy), first met the decedent, James Sprouse (Sprouse), in 1999 when she was fourteen years old. At that time, Sprouse worked for Jason Lyda¹ in an automotive repair garage. R. 102, ll. 12-20. Sprouse was twenty-five-years Amy’s senior. R. 5, ll. 18-19; R. 103, ll. 5-9. Despite the significant difference in their ages, Amy and Sprouse became friends. The two worked together at the garage over the course of many years. R. 105, ll. 6-11. In 2010, Amy and Sprouse began a sexual affair that spanned several years. R. 108, l. 7-R. 109, l. 14.

During 2012, Amy, her second husband,² and their children were evicted from their home due to financial problems. Sprouse offered them a place to stay. R. 104, l. 21-R. 105, l. 17. For approximately six months the two families lived together in a two-bedroom trailer before Amy

¹ Jason Lyda was Amy’s first husband. They were married in North Carolina, with parental consent, when Amy was fifteen years old. Together they had one child, Destiny Lyda, who was charged as an accessory in the death of Sprouse. Lyda and Amy divorced in 2003, after Lyda attempted to kill Amy and Destiny. He was ultimately convicted of criminal domestic violence. The marriage lasted roughly three years. R. 103, l. 10-R. 104, l. 8; R. 147, ll. 9-23.

² Amy married her second husband, Kenny Taylor, a few years after divorcing Lyda. Together they had two daughters, one born in 2005 and the second born in 2011. R. 57-58; R. 104-107.

and her family were able to find a new place to stay. Amy and her family ended up moving back in with Sprouse and his wife in 2014. R. 106, l. 7-R. 107, l. 13. During this period, Amy and Sprouse continued their affair. R. 109, ll. 2-5. Eventually, the marriages of Amy and Sprouse ended. Amy's husband moved out of the trailer after two months. R. 107, ll. 14-21. Sprouse's wife left in August of 2016. R. 108, ll. 3-4. After their respective spouses moved out of the trailer, Amy and Sprouse began to live together openly as a couple. R. 108, l. 24-R. 109, l. 14.

In addition to having a romantic relationship with Sprouse, Amy also acted as his caretaker, particularly in the last two years of his life. R. 110, ll. 15-17; R. 169, ll. 2-9. Amy coordinated and accompanied Sprouse to doctor's appointments, gave him his various medications, and took care of the home. R. 112, ll. 5-23; R. 169, ll. 5-9. Sprouse suffered from various health problems including COPD, diabetes, and heart problems for which he had undergone open heart surgery. R. 188, ll. 10-17. Both Sprouse and Amy abused Sprouse's Percocet and Xanax prescriptions. Sometimes Amy purchased additional pills from an acquaintance to support their addiction. R. 125, l. 13-126, l. 12.

Amy described Sprouse as a paranoid man with a "very nasty temper" that got worse as his health declined. Sprouse had threatened to shoot Amy and had struck her in the past. He would threaten to "put a cap in people's asses" that owed him money as well as "put a cap" in Amy's family's ass. He also threatened to shoot up the house they shared with Amy's children. Sprouse had numerous guns that he kept in the home and others that were stored off-property. R. 115, l. 17-R.117, l. 17. Sprouse had a "violent streak" that Amy feared. App. 126, ll. 22-App. 127, l. 2.

Amy testified that the first time that Sprouse struck her was many years into their relationship. They had been in the garage working when something Amy said angered Sprouse.

Sprouse struck Amy in her face with enough force to knock her off of the table she was sitting on. Amy suffered a broken tooth and facial bruises as a result of the incident. R. 118, l. 1-R. 119, l. 16.

Another time, Sprouse struck her in the face for being a “smart aleck” to him while they were in their bedroom and the children were at school. She thought that incident occurred sometime after August of 2016. R. 120, ll. 1-23. Sometime after that, while trying to find keys for a metal safe, Sprouse again became angry with Amy and dropped the safe down on her feet. As a result, she suffered some broken toes and numerous bruises. R. 121, ll. 4-19. Sprouse even threw Amy against the interior wall of their trailer in late 2016 or early 2017. R. 117, ll. 18-24. Amy had bruises along her chest, side and leg that her eldest daughter, Destiny, observed after the incident. R. 122, l. 14-R.123, l. 5. She also testified that Sprouse punched her in the knee while they were in bed and that was when she moved to sleep on the couch. R. 121, l. 25-R. 122, l. 1. Amy confided in her eldest daughter, Destiny, and in an acquaintance, Virginia “Ginger” Teague, about certain instances of physical abuse she had suffered at the hands of Sprouse. R. 123, l. 4-R.125, l. 7

Amy described not only the physical abuse inflicted upon her by Sprouse but mental and emotional abuse as well. Sprouse threatened to “shoot up” the house or “pop a cap in somebody’s ass” and boasted that he was not afraid of going back to jail. R. 126, l. 23-R. 127, l. 2. He repeatedly threatened to kick Amy and her children out of the home when they had nowhere else to go. R. 80, ll. 11-13; R. 125, l. 9-10. He threatened to beat Amy’s “ass” and to shoot her and her children if she ever tried to leave. R. 117, ll. 16-17; R. 150, ll. 21-23.

Sprouse’s Death

On March 2, 2017, the day before Sprouse's death, Sprouse became angry and accused Amy of taking some of his pills. During the argument, Sprouse grabbed a gun and shot in the direction of Amy, leaving bullet holes in the wall. R. 127, l. 14-R, 128, l. 2. Amy texted their neighbor, Michael Head, and told him that Sprouse had "shot up" the house. When Sprouse learned that Amy had told Head what had happened, he became even more angry and told her in a text that "what I do here is no damn body business." R. 40-41; R. 128, ll. 3-18.

That night, Amy slept on the couch with her youngest daughter. Throughout the night, Sprouse paced through the trailer, mumbling and cursing. Amy heard Sprouse repeatedly say "I'm going to get you" and "I'm gonna kill you, bitch" as he moved through the home that evening. R. 128-130. Sprouse's words and actions that evening left Amy in fear for her life. She believed that Sprouse has "flipped his gourd" and she did not know what he was going to do to her. R. 128, ll. 11-12; R. 129, ll. 21-22.

After a stressful and fear-filled evening, Amy awoke the next morning afraid of what Sprouse might do to her and her children. R. 128-129. Amy entered the bedroom and was walking to the closet when she noticed the gun sitting in the top drawer of a chest of drawers next to the bed. Sprouse was in the bed talking, and as Amy walked by, he leaned toward chest of drawers and extended his arm. Amy thought that Sprouse was reaching for the gun and was going to kill her. She grabbed the gun and shot Sprouse, killing him. R. 130; R. 138-139.

The Police Investigation

On March 4, 2017, the Spartanburg County Sheriff's Office received a call from James Fowler. Fowler stated that his son, Anthony Fowler,³ had just told him that his "girlfriend's

³ Anthony, who was nineteen, was dating Petitioner's daughter Destiny, who was sixteen, at the time of the incident. Anthony was also living in a camper on Petitioner and Sprouse's property at the time of the incident. R.74-75; R.85

mom had shot her boyfriend.” Fowler said his son told him that there was “blood all over the place and bullet holes in the walls.” Anthony told his father that the police had been called. However, because the coroner was busy, Anthony said they had been instructed to place the body of the boyfriend in a tarp and move him out of the home into a field. R. 2, 1.11-R. 3, 1. 16.

Deputies responded to Amy and Sprouse’s home to perform a welfare check. R. 6, 1. 7-R. 7, 11. 16. They spoke with Amy and were given permission to walk through the mobile home. R. 8, 11. 7-15. Inside, deputies observed fresh spackling on the living room wall and what appeared to be blood on the floor and walls of the back bedroom. They also saw that the box spring was on its side, the mattress was not in the trailer, the bedding was in a number of trash bags, and there were latex gloves and cleaning supplies on the dresser. R. 8, 1. 17-R. 9, 1. 2. Based on those observations, the deputies called for investigators to respond to the scene. R. 22, 11. 8-24.

Investigators arrived on scene and discovered the body of Sprouse wrapped in a tarp, roughly two to three hundred yards into the woods. R. 23, 11. 7-14. Amy, Destiny, and Anthony Fowler were separately transported to the Sherriff’s office to be interviewed. Search warrants were drawn and executed at the mobile home and on the various vehicles found at the property. R. 10, 11. 20-22; R. 12, 11. 6-10; R. 13, 11. 2-8. Law enforcement also received consent to search the cellphones of Amy, Destiny and Anthony. R. 27, 11. 15-20; R. 28, 11. 17-20.

The investigation concluded that Sprouse had been shot and killed on the previous morning, March 3, 2017. R. 267. Amy gave various versions of the events leading up to the death of Sprouse before eventually telling police that Sprouse had beaten her, she was afraid of him, and that she had shot him because she thought he was going to kill her. R. 16-21.

The Expert Testimony of Dr. Lois Veronen

Dr. Loise Veronen is a clinical psychologist who has devoted her career to the research of how violence or traumatic events impact the functioning of women. R. 155, l. 1-156, l. 8. In the legal field this area of study is often referred to as Battered Women's Syndrome. R. 157, ll. 12-20. The court qualified Veronen as an expert in "clinical psychology with research, variance in victims of violence." R. 157, ll. 4-9.

Veronen testified that abuse manifests in many forms, **not just physical violence**. She identified threats of violence, verbal abuse, threats against family members, control of contacts, and isolation as forms of emotional or mental abuse. She stated that any of these forms of abuse can be used to batter or control a woman. R. 159, ll. 2-10. In describing how fear and anxiety can impact the reaction of a victim of violence Veronen stated:

In general, what we find is that **people who have had those kinds of histories, they become sensitized to potential for violence**. So they may recognize small cues that somebody is going to be violent because they have this intimate association and knowledge of them. You know, could be the change in the voice tone. That means that violence is imminent. Or it could be, you know, movement toward. But **women who have a close, intimate relationship [with their abuser] usually are generally more attuned to when violence is imminent** ... their reaction may be, you know, quicker than it would be. **Other people might not view it as the same threat**, but because of their close association with that individual, they may view it as very threatening. Their state of mind is different potentially than, you know, how another person might view it.

R. 177, l. 10-R.178, l. 2 (emphasis added).

Veronen met with Amy and interviewed her over the course of three days and eight or nine hours. R. 181, ll. 17-23. She performed various psychological and personality tests and conducted a lengthy clinical interview with Amy. R. 165, l. 7-R. 166, l. 17. Veronen stated that the tests were designed to catch attempts to manipulate them, and she believed Amy was truthful

in her responses. R. 200, l. 20-R. 201, l. 25. The interview and tests revealed that Amy was suffering from identifiable substance abuse and multiple clinical diagnoses. R. 170, ll. 15-22. Further, the tests showed Amy had very poor self-esteem, severely impaired thinking, and poor reasoning skills. The “detailed assessment of posttraumatic stress inventory” showed that Amy had “**extremely high fear and terror**” from Sprouse shooting at her the day before she shot him. R. 171, ll. 4-10.

Veronen found that Amy and Sprouse had an extremely co-dependent relationship. R. 169, ll. 2-5. She stated that Amy was particularly dependent on Sprouse for drugs and for a place for her and her children to live, while Sprouse relied on Amy as a caretaker. R. 175, ll. 13-17. Veronen noted that Sprouse had even paid to have a drug arrest expunged from Amy’s records, following a 2014 arrest, but then continued to give Amy drugs to support her habit. R. 186, ll. 16-23. She stated that Amy likely did not exercise “options or opportunities” to leave the relationship, call the police, or do other things to remove herself from the situation because of how co-dependent the relationship was. R. 175, ll. 10-19.

Veronen concluded that Amy had suffered multiple events of a violent nature and a very traumatic event of being shot at on the day prior to Sprouse’s death. R. 174, ll. 18-23. Based on the data from the tests and the clinical interview, Veronen opined that Amy’s perception of danger posed by Sprouse on the morning of March 3, 2017, was highly significant and that Amy was “very, very fearful.” R. 175, ll. 2-5. When Amy fired the gun, she was in a “high state of fear and anxiety ... in a state of fear, terror, for herself and her children.” R. 175, l. 23-R. 176, l. 2. Given Amy’s history, and the incident where Sprouse fired a gun at her the evening before, Veronen determined that Amy’s response the morning Sprouse was killed was reasonable. R. 176, ll. 8-10.

The State, after having its expert review Veronen's testing data, reports, and findings, focused its cross-examination on minor errors in her report, such as the age of Sprouse at the time of his death or the number of years in age between Amy and Sprouse. R. 182, ll. 18-24; R. 186, l. 13-R. 187, l. 8. The State confirmed that all of the information Veronen received was from the discovery materials and her meetings with Amy. R. 200, ll. 1-7. Veronen also stated that Amy knew the purpose of the meetings with Veronen was to determine Amy's "history of victimization and the nature of her relationship" with Sprouse which could potentially be used as a defense or mitigation during Amy's trial. R. 190, ll. 8-21.

Testimony of Other Witnesses at the Domestic Violence One-Quarter Parole Eligibility Hearing

In addition to Amy and Dr. Veronen, defense counsel also called Virginia Lee Teague and Destiny Lyda to testify during the one-quarter parole eligibility hearing. Teague testified that she and Amy became friends when Amy was married to her second husband. She had known Amy for about ten years, and at the beginning of their friendship, Amy would sometimes watch her daughter for her. When asked about her relationship with Amy in the years leading up to Sprouse's death, Teague admitted she only had periodic contact with Amy. Teague testified, "I wouldn't say we were friends, but I wouldn't say we weren't friends. Like, we were acquaintances." Eventually, Teague became someone Amy would purchase prescription pills from. R. 62, l. 1-R. 63, l. 22.

Teague recalled two times, in the roughly eight weeks before Sprouse's death, that Amy had come to her home to get pills with visible injuries. Once, Amy had a bruise on her face, and the second time Amy had broken toes. Amy told her that the injuries were from Sprouse hitting her and causing her injuries. R. 64, ll. 5-25. Amy told Teague that Sprouse had shot live rounds

in the house and said, “if I end up dead you know who did it.” When Teague asked Amy why she did not leave Sprouse, Amy told her she had nowhere else to go. R. 65, l. 6-R. 66, l. 25. Teague testified that she never saw anything happen, that she did not know Sprouse personally, but she had heard nice things about him. R. 72, ll. 4-7.

Destiny testified that when her mother and Sprouse would argue, she would take her younger sisters inside of her bedroom to shelter them from what was happening. R. 79, l. 1-21. While Destiny never saw Sprouse be physically violent toward her mother, she would hear Sprouse threaten to hit her mother and threaten to kick them all out of his trailer but keep all of their personal belongings. R. 80, ll. 11-16; R. 94, ll. 1-9. Destiny also heard Sprouse loudly talk about his guns and angrily threaten to shoot people, including his ex-wife, stating he would “blow a cap in their ass.” R. 80, l. 19-R. 82, l. 15. She also heard Sprouse state that he had been to jail before, that he was not “scared to go to jail,” and that if they called the police it would not matter because “he had connections and would be able to get out.” R. 82, l. 16-R. 83, l. 1.

Destiny stated her mother told her about Sprouse hitting her sometimes. R. 93, ll. 4-7. Once, Destiny saw bruises along her mother’s side and chest, and when she asked what had happened, Amy said she ran into the side of table. However, Destiny did not think her mother was telling her what really happened. R. 83, ll. 15-24. In the last few months of his life, Destiny saw Sprouse become more moody, yelling and frightening Destiny. She also stated that Sprouse would use his size to intimidate them. R. 86, l. 23-R. 87, l. 16.

The day prior to Sprouse’s death, after he fired a gun at Amy in the home, Destiny talked to Sprouse at the request of her mother. She asked him to “please stop” because they were tired of the arguing and fussing. Sprouse replied that he was tired, did not want them [Amy and her children] in the home anymore, that he did not love Amy anymore because she was too old for

him. Despite trying to calm him down, Sprouse was still angry at the end of their conversation. R. 89, l. 20-R. 90, l. 17.

The State called Amy's fourteen-year-old daughter to testify that she thought the marks she had seen on her mother were fake. The minor said she thought that Amy was using makeup to draw on bruises to get attention and openly admitted that she hated Amy. R. 210, l. 8-R. 211, l. 7; R. 213, ll. 5-10. The State did have Dr. Robert Nelson, a psychological expert, present at the hearing. Nelson who reviewed Veronen's testing data and reports but was never called to testify or refute Veronen's conclusions. R. 178, l. 12-R. 179, l. 23.

The Circuit Court's Ruling

At the conclusion of the testimony, the circuit court stated that the defendant had the burden of proof to show "by trustworthy evidence, credible evidence ... that she [Amy] meets the definition of a battered, in this case, girlfriend I guess, since they weren't married." R. 215, l. 22-R. 216, l. 2. Respectfully, defense counsel was often interrupted by the circuit court during her presentation of proof for the statutory domestic abuse⁴ element. R. 216-236; R. 241-246. During defense counsel's argument, the circuit court made several remarks about the nature of Amy and Sprouse's relationship.

The circuit court stated that Amy and Sprouse had not been in an "open relationship" until sometime after "August 2016 up until she killed him." While the court noted that the two were in an illicit sexual relationship for a number of years, during which they did live together, the court would only look at the limited period of time during which their relationship was open and public. R. 223, l. 21-R. 224, l. 22. The circuit court speculated that Sprouse's behavior in

⁴ During her argument, Counsel Jones referenced "Mr. Sprouse's stalking incident" stating she did not know if any testimony had been elicited regarding that matter. However, it does not appear that Amy was the victim in the stalking incident. R. 236, l. 14-17.

shooting in the house the night prior to his death was probably aggravated by the living situation at home which could have caused him to lose his temper. R. 224, l. 23-R. 226, l. 9. Additionally, the circuit court questioned why Amy did not leave stating “why didn’t she take the kids and just get on out of there? You can’t, to my mind, establish she was so feared and so controlled by him that she was afraid to leave there.” R. 228, ll. 8-11. The circuit court repeatedly stated that the defense had to prove Amy was a battered spouse and that it did not see how the defense had proved that point. R. 223, ll. 9-14; R. 228, ll. 20-23; R. 231, ll. 22-25; R. 235, ll. 6-11.

The State argued that Amy and Sprouse only became household members in August of 2016 after Sprouse’s wife moved out of the home. The State maintained this meant the pair were only household members for the purposes of the domestic violence statute for seven months. The State argued that no longer-term abuse could happen in seven months, and the statute required credible evidence of long-term abuse. R. 237, l. 16-R. 239, l. 7.

In discussing when S.C. Code Ann. § 16-25-90 was applicable that court stated,

You know the statute is a special statute. It is very specific. It’s specifically addressed to those situations where you’ve got a spouse subjective to domestic abuse over a long period of time and is **dominated basically controlled, totally controlled by somebody**. And there is domestic abuse over a long period of time. That’s not what we have here, is what I’m telling you. I don’t see that here.

R. 241, ll. 18-24 (emphasis added). Defense counsel argued that they were not required to prove that Amy was under total control of Sprouse but that there was a credible history of domestic abuse. R 242, ll. 1-6. In response the court stated, “You know about spousal abuse like that and domestic violence abuse, **it’s just not slapping somebody a couple times**. That’s not gonna qualify.” R. 242, ll. 11-14 (emphasis added).

In announcing its ruling on the record, the circuit court explained,

[A]lthough there was some sexual activity between the deceased and the defendant in this case several years earlier, **they weren't living together as spouses at that time in an open relationship of like husband and wife.** They weren't living together like that. And whatever went on with them was some kind of elicit [sic] sexual affair, should say adulterous affair because both of them were married at the time, and that was conducted outside of the marriage.

R. 248, l. 22-R. 249, l. 6 (emphasis added). The court determined that the actual amount of time that Amy and Sprouse were living together as a couple was about a “seven-month period” which the court found was not a “long-term relationship as intended by the statute.” R. 250, ll. 15-17.

The court found that there was one alleged instance of domestic abuse during that seven-month time period, other than the shooting of the gun. R. 249, ll. 7-9. The circuit court stated that it believed the pair argued stating, “I doubt if she was the easiest person to live with either. And he was going through a trying time...this might have been very well aggravating to him.” R. 255, l. 18-R. 256, l. 6. The circuit court also discussed Amy's financial situation, finding that she had the financial means to leave the situation and that the biological father of her two younger children would likely have taken them in had she fled Sprouse's home. R. 256, ll. 7-20. The circuit court concluded that part of what it was considering was if Amy was forced to stay there and have no contact with other people. The trial court noted that Amy had a car and regularly took the children to school and run errands, so she could have left. R. 257, l. 5-18.

In ruling that Amy had not met her burden of preponderance of the evidence the court stated,

I don't find credible evidence of any long-term domestic abuse by a partner who was able to put them in a home. I just don't find it. There may be a little. There may be some. The best example being somebody firing off a gun ... and I don't think it meets the test for long-term domestic abuse.

R. 261, ll. 11-25.

Discussion

In its unpublished opinion, the Court of Appeals wrote that Amy's argument on appeal was that the circuit court abused its discretion by denying her parole eligibility because she had proven by a preponderance of the evidence that she suffered a history of abuse at the hands of a household member. Respectfully, this was a misapprehension of the argument. While Amy avers that she did prove by a preponderance of the evidence that she suffered a history of abuse at the hands of a household member, her argument on appeal was narrower. Amy's argument has always been that the circuit court abused its discretion by redefining the term "household member" under the domestic violence statute, by requiring that there be a public romantic relationship between the parties for the definition to apply to them. This additional, improper element drastically narrowed the timeframe that the court examined to determine if Amy had suffered "long-term" abuse from multiple years to seven months. Under the definition that was used, the circuit court improperly disregarded years of abuse in making its ruling.

S.C. Code Ann. § 16-25-90 provides, in relevant part, that an inmate who was convicted of an offense against a household member is eligible for parole after serving one-fourth of their prison term when the inmate, at the time they pled guilty, presented credible evidence of a history of criminal domestic violence suffered at the hands of the household member. S.C. Code. Ann. § 16-25-10 defines "household member" as "a male and female who are cohabiting or formerly have cohabited." To cohabit simply means to live or exist together. For the purposes of the domestic violence statute, it means a male and female that were living or had lived together.

The basic principles of statutory construction as applied to criminal statutes have been clearly and repeatedly set forth by the courts of this state. The court's principal function when interpreting a statute is to ascertain the intention of the legislature. "When the terms of the statute are clear and unambiguous, the court must apply them according to their literal meaning. Furthermore, in construing a statute, words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation." Statutes that are penal in nature must be strictly construed against the State and in favor of the defendant. State v. Blackmon, 304 S.C. 270, 273, 403 S.E.2d 660, 662 (1991) (internal citations omitted).

The words of S.C. Code Ann. § 16-25-10 are clear and unambiguous. To determine whether a male and female are household members under the domestic violence statute, the court need only conclude that the male and female currently live together or have lived together in the past. The only required element is cohabitation. There is nothing in the domestic violence statute that requires a male and female who are living together to be living together as a romantic couple, openly as a couple, or to be in a sexual relationship.

The record in this case shows that Amy and Sprouse were a male and female that were cohabitating at the time of Sprouse's death. Critically, the record also shows that the pair had been cohabiting for several years prior to his death. The two first shared a residence in 2012 for six months before Amy and her family moved out. Amy and her family moved back in with Sprouse in 2014 and stayed with him until his death in 2017. Based on those uncontested facts, Amy and Sprouse met the definition of "household members" articulated in S.C. Code. Ann. § 16-25-10 as early as 2012. The relevant period that the circuit court should have considered was at a minimum from 2012 until Sprouse's death in 2017. This would be the proper time frame for

the court to consider, even if the statutory definition of household member required a romantic element, as Amy and Sprouse first became intimate in 2010.

However, instead of determining that Amy and Sprouse were “household members” based on the language of the statute, the court found that the nature of their relationship impacted whether they were household members. The circuit court stated that it would only consider the seven months that preceded Sprouse’s death because that was “the time that they were living **openly together in an actual situation, or like man and wife or two people who were living together as man and wife...**” The circuit court, relying in on a footnote in State v. Hawes, 411 S.C. 188, 767 S.E.2d 707, 709 n.2 (2015), then ruled that a seven-month period was not a long-term relationship as intended by the statute. R. 250, l. 1-R. 251, l. 4.

In State v. Hawes, *supra*, this Court addressed the failure of the trial court to exercise its discretion when it found Hawes qualified for one-fourth parole eligibility after he pled guilty to voluntary manslaughter for the killing of his estranged wife. In the 3-2 opinion, this Court stated in footnote two that “[t]he legislative history of section 16–25–90 indicates that the statute was intended to confer early parole eligibility only to **long-term victims of repeated abuse** at the hands of a household member.” *Id.* (emphasis added). The Court came to this conclusion by noting the legislative history indicated that 16-25-90 was enacted alongside the defense of battered spouse syndrome. *Id.* However, the legislative history also indicates that 16-25-90 was meant to confer parole eligibility on an inmate “who has presented evidence of criminal domestic violence **in connection with their offense.**” See 1995 South Carolina Laws Act 7 (H.B. 4323).

Cases that have addressed S.C. Code Ann. § 16-25-90 have never defined what qualifies as a “history” of domestic violence. Even in Hawes, *supra*, this Court did not define what it meant by “long-term,” presumably because what constitutes a history of abuse must be decided

on a case-by-case basis. Additionally, the word “long-term” does not actually appear in the statute or legislative history and should not be the defining factor a lower court considers in its analysis of the evidence in a hearing pursuant to 16-25-90. The consideration is solely whether there is a history of abuse at the hands of a household member. Stated differently, whether there is a record of abuse in the past.

To qualify for parole eligibility under S.C. Code Ann. § 16-25-10, Amy had to show that there was a history of domestic abuse at the hands of a household member. The circuit court precluded Petitioner from making that showing when it improperly added an element to the statutory definition of household member. Amy and Sprouse qualified as household members under S.C. Code Ann. § 16-25-10 beginning in 2012. By finding that the two were not in an “open relationship” the circuit court was able to drastically narrow the question of a history of domestic violence to a seven-month period instead of the multiple year period it should have considered. This was improper.

The ruling by the circuit court was not only founded on an error of law but was not supported by the evidence. The record reflects the couple was in a romantic relationship that began in 2010 and continued until Sprouse’s death in 2017. The testimony of the witnesses during the hearing showed that Amy suffered numerous forms of abuse for longer than the seven-month period that the circuit court deemed relevant. While the violence escalated during the months preceding Sprouse’s death, the abuse had occurred for years. Amy testified that the Sprouse struck her for the first time many years into their relationship. Sprouse also supplied Amy with drugs, regularly threatened to kick her and her children out leaving them homeless, often threatened to beat her up, threatened to kill her and her children if she ever left, threatened to shoot her and others, and always kept close tabs on her whereabouts. While this was not

physical abuse, it was nonetheless abuse that qualified under the domestic violence statute and should have been considered by the trial court.

None of the above testimony and evidence was considered by the circuit court because it occurred outside of the seven-month period prior to Sprouse's death. Instead of looking at the total history of the couple, which began when Amy was merely fourteen years old and Sprouse was nearing forty years old, the court only looked at the tail end of the relationship. The circuit court also relied on arbitrary factors in issuing its ruling, such as Amy's financial means, her ability to leave the home she shared with Sprouse, and what it believed Sprouse's state of mind was preceding his death. None of those factors bore upon whether Amy had suffered a history of domestic abuse at the hands of Sprouse.

At oral argument, members of the Court of Appeals questioned whether the use of the word "everything" at the end of the circuit court's ruling indicated it considered the time and events outside of the seven-month period. Respectfully, a fair reading of the court's fifteen-page ruling evinces that the court only considered the seven-month period and one episode of physical abuse that transpired in those seven-months when it ruled on Petitioner's motion for parole eligibility. R. 247-262. When the circuit court stated it considered "everything" it meant everything that it had deemed relevant during the seven-month period it had improperly established.

The circuit court abused its discretion by adding a requirement of an "open" or "romantic" relationship to the definition of "household member" under the domestic violence statute. The ruling ignored the plain meaning of the definition of "household member" used in the domestic violence statute which, when properly applied, showed that Amy and Sprouse had lived together for several years and were living together at the time of his death. See State v.

Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991) (In construing a statute, words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation); see also S.C. Code Ann. § 16-25-10.

The ruling in Amy's case was predicated on a manifest error of law that was not supported by the evidence. The circuit court's truncation of a relationship that spanned decades was improper. Respectfully, Petitioner requests that this Court hold that the Court of Appeals erred in affirming the ruling of the circuit court and remand the case back to the circuit court for a new hearing pursuant to S.C. Code Ann. § 16-25-90.

CONCLUSION

Based on the forgoing, Petitioner Amy respectfully requests this Court grant the petition for writ of certiorari to allow full briefing of this issue.

Respectfully Submitted,

s/ Jessica M. Saxon
Jessica M. Saxon
Appellate Defender

ATTORNEY FOR PETITIONER

This 6th day of December, 2022.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Spartanburg County
Honorable Lee S. Alford, Circuit Court Judge

RECEIVED

Dec 06 2022

SC Court of Appeals

Opinion No. 2022-UP-340 (S.C. Ct. App. Filed August 17, 2022)

Lower Court Case No. 2017-GS-42-02256

THE STATE,

RESPONDENT,

V.

AMY N. TAYLOR,

PETITIONER

APPELLATE CASE NO. 2019-001117

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the petition for writ of certiorari to the Court of Appeals and appendix in the above-referenced case has been served upon Tommy Evans, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and the South Carolina Court of Appeals; and on Amy N Taylor, #380688, at Leath Correctional Institution, 2809 Airport Road, Greenwood, SC 29649, this 6th day of December, 2022.

s/ Jessica M. Saxon

Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR PETITIONER

From: [Warren, Kaylynn](#)
To: tommyevansjr@scag.gov
Cc: DDALESSIO@SCAG.GOV; [Saxon, Jessica](#)
Subject: 2019-001117 The State v. Amy N. Taylor
Date: Tuesday, December 6, 2022 2:47:00 PM
Attachments: [2019-001117 The State v. Amy N. Taylor Petition for Writ of Certiorari to the Court of Appeals and COS.pdf](#)
[2022-001636 The State v. Amy N. Taylor Appendix.pdf](#)

Good Afternoon,

Please find attached for service in the above-referenced case the Petition for Writ of Certiorari to the Court of Appeals, Certificate of Service, and accompanying Appendix which will be filed today, December 6, 2022, with the Supreme Court and the Court of Appeals via OneDrive.

Respectfully,
Kaylynn

Kaylynn Warren

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