

STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA,
COUNTY OF RICHLAND

Plaintiff,

v.

DELRICO EDMONDS,

Defendant.

Case No: 2021GS4001753-54

ORDER GRANTING NEW
TRIAL

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SC Court of Appeals

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EXCELLENCE
IN COURTS
SOUTH CAROLINA

On March 15th of this year, Delrico D. Edmonds was convicted of Murder and Possession of a Weapon During a Violent Crime (PWVC) after a two-day jury trial. Mr. Edmonds was sentenced by this court to 30 years on the Murder, and 5 years on the PWVC. The sentences were to run concurrent with one another.

A motion for a new trial was filed by the Defendant on March 25th, within the ten day period prescribed by S.C.R.Crim.P. 29. Arguments were entertained by the Court on July 18th.

The Defense proposed that a new trial be granted, in addition to other bases, after the State improperly characterized the Defendant's mental condition in closing argument.

I. Closing Comments to the Jury about Mr. Edmonds Mental Condition

a. Competence to Stand Trial

Mr. Edmonds competency was addressed in pre-trial. Edmonds underwent a competency evaluation by the Department of Mental Health wherein he was diagnosed with schizophrenia, with a verified history of psychosis, and cannabis abuse disorder. Edmonds' testimony on direct and cross examination regarding these conditions was that he was "slow."

The Department of Mental Health determined that Edmonds was competent to stand trial but would need to work closely with his lawyer and may need additional breaks during the trial. The Defense moved to allow Edmonds to remain on bond on these bases and the motion was granted by this court.

b. Self-Defense Testimony

Edmonds testified that the shooting was in self-defense. He testified that a female staying with the State's principal witness was "slow like me."

Edmonds further testified under vigorous cross examination that he was "slow."

The salient closing remarks by the State follow:

MR. SCOTT: You got to see him; you got to hear him. You get to judge by his credibility. He's up there. He's scared; he's frightened. How many times did he talk about being slow? There's no -- you're never going to look in this file and read anywhere where he talks about being slow until today. That's the first time you hear that. You hear about how scared he is.

MR. SUTHERLAND: I'm sorry, Dale. Just briefly, I object to his commenting on ---

THE COURT: Objection is overruled.

MR. SUTHERLAND: Yes, sir.

c. ANALYSIS

The Solicitor told the jury that he had nothing in his file about Edmonds "talking about being slow." This assertion, in addition to being inaccurate, assured the

jury that the Solicitor had knowledge, outside the trial record, that impeached Edmonds' testimony about his "mental state."

Malice aforethought is a "mental state" to be determined by a jury:

*"We find the following definition of "malice aforethought" instructive: [***8] "Malice aforethought" is defined as "the requisite mental state for common-law murder" and it utilizes four possible mental states to encompass both specific and general intent to commit the crime. These four possibilities are intent to kill, intent to inflict grievous bodily harm, extremely reckless indifference to the value of human life (abandoned and malignant heart), and intent to commit a felony (felony murder rule).*


State v. Smith 425 S.C. 20 (2018) reversed on other grounds. (transferred intent for specific intent crimes).

A jury's analysis of Edmonds' mental state, of potential malice aforethought, requires an evaluation of only that evidence which is in the record. The State asserted to the jury that evidence outside the record, or the lack thereof, impeached Edmonds' testimony concerning that element of the crime of murder; this further impugned the credibility of his testimony generally, which concerned the elements of self-defense.

The jury did, in fact, ask to review the definition of malice aforethought, amplifying the concerns of this Court. Mr. Edmonds' mental health issues are documented in the pretrial record of this case, as is his understanding of those issues as being "slow" during his direct and cross examination. The jury focused its deliberations on an element that examined his mental state. The connection between the malign comments and deliberations is not just likely, but probable.

The danger of the undue influence of these comments on deliberating the issue of malice aforethought, whether sought or unsought, independent of and in addition to the improper impeachment of a Defendant testifying that a killing was in self-defense, deprived Mr. Edmonds of a fair trial.

THEREFORE IT IS ORDERED that the convictions in the above captioned cases are vacated, and the Defendant's motion for a new trial is GRANTED.


The Honorable Clifton Newman
Chief Judge, 5th Judicial Circuit
Presiding Judge

Columbia, South Carolina
This 21st day of November, 2022
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