

ARREST WARRANT

2021A2620400455

STATE OF SOUTH CAROLINA

County/ Municipality of

Conway

THE STATE

2021010577

against

Chancey Rashon Deval Hickman

Address:

Sex: M Race: B Height: 6.1 Weight: 165

DL State: SC DL#:

DOB: Agency ORI #: SC0260200

Prosecuting Agency: Conway Police Department

Prosecuting Officer: Clayton D Long - 4857

Offense: Manslaughter / Voluntary manslaughter

Offense Code: 0217

Code/Ordinance Sec: 16-03-0050

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Chancey Rashon Deval Hickman on 6/1/2021

Signature of Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA County/ Municipality of

Conway

Personally appeared before me the affiant Clayton D Long

being duly sworn deposes and says that defendant Chancey Rashon Deval Hickman

did within this county and state on or about 6/1/2021 violate the criminal laws of the

State of South Carolina (or ordinance of County/ Municipality of Conway

in the following particulars:

DESCRIPTION OF OFFENSE: Manslaughter / Voluntary manslaughter

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT ON THE ABOVE DATE AT WAFFLE HOUSE LOCATED AT 2905 CHURCH STREET IN THE CITY OF CONWAY THE DEFENDANT WAS ORDERED TO LEAVE THE LOCATION, BUT REFUSED CAUSING A VERBAL DISPUTE WHICH ESCALATED INTO A PHYSICAL ALTERCATION, AND DURING SAID ALTERCATION THE DEFENDANT DID SHOOT AND CAUSE THE DEATH OF BRANDEN HARSHAW IN A SUDDEN HEAT OF PASSION WITHOUT LEGAL PROVOCATION. THAT THE ACTS OF THE ACCUSED CONSTITUTE THE OFFENSE OF VOLUNTARY MANSLAUGHTER. \*\*\*WARRANT OBTAINED FOR DET HEATH WATFORD\*\*\*

Signature of Affiant

STATE OF SOUTH CAROLINA County/ Municipality of Conway

Affiant's Address 1600 9th Avenue Conway, SC 29526

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OR THIS COUNTY

appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/1/2021 defendant Chancey Rashon Deval Hickman

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Conway) as set forth below:

DESCRIPTION OF OFFENSE: Manslaughter / Voluntary manslaughter

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me on 6/1/2021

Signature of Issuing Judge Sanford Cox Graves Judge Code: 8418

Judge's Address Post Office Box 1428 Conway, SC 29528

Judge's Telephone (843)248-1765

Issuing Court: Magistrate/ Municipal/ Circuit

ORIGINAL

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ORIGINAL

ORIGINAL Form Approved by U.S. Attorney General April 21, 2003 8CCA 518

RENEIL ELVIS CLERK OF COURT HORRY COUNTY, SC

FILED COPY MAY 13 2021

SC Court of Appeals

ARREST WARRANT

2021A2620400456

STATE OF SOUTH CAROLINA

County/  Municipality of

Conway

THE STATE  
against

202101010577

Chancey Rashon Deval Hickman

Address:

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_  
Sex: M Race: B Height: 6 1 Weight: 165

DL State: SC DL #: \_\_\_\_\_

DOB: \_\_\_\_\_ Agency ORI #: SC0260200

Prosecuting Agency: Conway Police Department

Prosecuting Officer: Clayton D Long - 4857

Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the  
 County/  Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to defendant Chancey Rashon Deval Hickman on 6/1/21

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions  
PO Box 677  
1301 2nd Avenue  
Conway, SC 29528

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA )  
 County/  Municipality of )  
Conway )

AFFIDAVIT

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

Personally appeared before me the affiant Clayton D Long being duly sworn deposes and says that defendant Chancey Rashon Deval Hickman did within this county and state on or about 6/1/2021 violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Conway) in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT ON THE ABOVE DATE AT WAFFLE HOUSE LOCATED AT 2905 CHURCH STREET IN THE CITY OF CONWAY THE DEFENDANT CAUSED A PHYSICAL ALTERCATION, AND DURING SAID ALTERCATION THE DEFENDANT WHILE BEING KNOWINGLY AND WILLFULLY IN POSSESSION OF A SILVER AND BLACK GLOCK 9MM MODEL 43X BEARING SERIAL #BLVY095 DID UNLAWFULLY SHOOT AND CAUSE THE DEATH OF BRANDEN HARSHAW THAT THE ACTS OF THE ACCUSED CONSTITUTE THE OFFENSE OF POSSESSION OF A WEAPON DURING A VIOLENT CRIME. \*\*\*WARRANT OBTAINED FOR DET HEATH WATFORD\*\*\*

Signature of Affiant

STATE OF SOUTH CAROLINA )  
 County/  Municipality of )  
Conway )

Affiant's Address 1600 9th Avenue  
Conway, SC 29526  
Affiant's Telephone \_\_\_\_\_

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 6/1/2021 defendant Chancey Rashon Deval Hickman did violate the criminal laws of the State of South Carolina (or ordinance of  County/  Municipality of Conway) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me on 6/1/2021

Signature of Judge  
Sanford Covarrubias  
Judge Code: 8418

(L.S.)

Judge's Address Post Office Box 1428  
Conway, SC 29528  
Judge's Telephone (843)248-1765

Issuing Court:  Magistrate  Municipal  Circuit

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RECEIVED  
GENERAL CLERK OF COURT  
HORRY COUNTY, SC  
MAY 03 2023  
FILED  
HORRY COUNTY  
2021 JUN 11 10 45 55  
RECEIVED

SC Court of Appeals



State of South Carolina  
The Circuit Court of the Fifteenth Judicial Circuit

Benjamin H. Culbertson  
Resident Circuit Judge

P. O. Box 479 (zip code 29442)  
401 Cleland St. (zip code 29440)  
Georgetown, South Carolina  
Telephone: (843) 545-3030  
Facsimile: (843) 545-3282  
Email: bculbertson@sccourts.org

April 21, 2023

HAND DELIVERY

Tammie Butler, General Sessions Coordinator  
Clerk of Court  
Horry County Judicial Center  
Conway, SC

FILED  
HORRY COUNTY  
2023 APR 24 A 9:45  
RENEE H. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

RE: *State v. Chancey Hickman*  
Indictments: 2021GS2603342 (Manslaughter)  
2022GS2200053 (PWDCVC)

Dear Ms. Butler:

Please find enclosed for filing with your office the Order Denying the Defendant's Motion to Dismiss in the above referenced case.

By copy of this letter and enclosure to the attorneys in this case, I am providing them with a copy of the order and notice of its filing.

With kindest regards, I remain

Very truly yours,

*Benjamin H. Culbertson*  
Benjamin H. Culbertson

BHC/bhc  
Enclosure (a/s)

pc: Larry Filiberto, Assistant Solicitor  
George DeBusk, Assistant Solicitor  
G. Scott Bellamy, Esquire

RECEIVED  
MAY 03 2023  
SC Court of Appeals

RENEE H. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC  
RECEIVED COPY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

COURT OF GENERAL SESSIONS  
FIFTEENTH JUDICIAL CIRCUIT  
INDICTMENT NUMBERS: 2021GS2603342  
2022GS2600053

State of South Carolina )  
 )  
 vs. )  
 )  
Chancey Hickman, )  
 )  
 Defendant. )  
\_\_\_\_\_ )

ORDER DENYING THE DEFENDANT'S  
MOTION TO DISMISS

RECEIVED

MAY 03 2023  
SC Court of Appeals

FILED  
HORRY COUNTY  
2023 APR 24 A 9:15  
RENEE N. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

Hearing Date: April 20, 2023  
State Attorneys: Larry Filiberto, Assistant Solicitor  
George DeBusk, Assistant Solicitor  
Defendant's Attorney: Gregory Scott Bellamy, Esquire  
Court Reporter: Natalie Dahl

The defendant is charged with manslaughter and possession of a weapon during the commission of a violent crime. Before the Court is the defendant's "Motion to Dismiss Pursuant to South Carolina Protection of Persons and Property Act, S.C. Case [sic] §16-11-410, Et. Seq." Present upon the call of this motion for hearing were the State's attorneys, defendant's attorney and the defendant.

Based upon the testimony and evidence presented during this motion hearing, I do hereby find the following salient facts by a preponderance of the evidence:

FINDINGS OF FACT

The defendant, Ryan Thurman and Madison Marlowe go to the Waffle House Restaurant in Conway, South Carolina, to eat. They sit beside each other at the counter with the defendant on the left, Ryan Thurman on the right and Madison Marlowe sitting between them. The victim, Brandon Harshaw, is sitting at the same counter to the right of Ryan Thurman with an unoccupied

CERTIFIED COPY

seat between them. Another patron is sitting to the right of Brandon Hershaw. The defendant has a concealed weapon permit and is carrying a concealed pistol.<sup>1</sup>

While in the restaurant, the defendant and Ryan Thurman begin playing around by trying to throw pickles in each other's mouth. This apparently upsets the restaurant's cook working behind the counter. The cook, defendant and Ryan Thurman get into an argument. Both the defendant and Ryan Thurman stand up on a foot ledge under the counter and lean over the counter toward the cook as the cook approaches.<sup>2</sup> A waitress behind the counter steps between the cook and defendant and tells the defendant, Ryan Thurman and Madison Marlowe to leave. Simultaneously, Brandon Harshaw grabs the defendant and Ryan Thurman from behind, pulling them back from leaning over the counter and says, "If you have a problem with him [the cook], you have a problem with me." A scuffle ensues between the defendant, Brandon Harshaw, Ryan Thurman, the patron previously sitting beside Brandon Harshaw and the cook. The defendant tells Brandon Harshaw that he has a gun but, the scuffle continues. During the altercation, the defendant pulls out his pistol and shoots Brandon Harshaw.

#### CONCLUSIONS OF LAW

The defendant seeks immunity from prosecution for manslaughter and possession of a weapon during the commission of a violent crime pursuant to Code of Laws of South Carolina 1976 §16-11-410, et seq., also referred to as the *Protection of Persons and Property Act* ("the Act"). Code §16-11-440(C) states, in pertinent part, as follows:

A person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be...has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person.

<sup>1</sup> The defendant does not have his Concealed Weapon Permit on him at the time.

<sup>2</sup> By this time, Ryan Thurman has left his seat, circled behind Madison Marlowe and is standing to the left and next to the defendant.

MAC

A person asserting the Act as a bar to prosecution bears the burden of proving by a preponderance of the evidence at a pre-trial hearing that he or she is entitled to immunity under the Act. *State v. Duncan*, 392 S.C. 404, 709 S.E.2d 662 (2011). To receive immunity from prosecution, a defendant must prove a valid case of self-defense. Necessarily, the court must consider the elements of self-defense in determining a defendant's entitlement to the Act's immunity. This includes all elements of self-defense, save the duty to retreat. *State v. Curry*, 406 S.C. 364, 752 S.E.2d 263 (2013). The four elements required by law to establish self-defense are: 1) the defendant must be without fault in bringing on the difficulty; 2) the defendant must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger; 3) a reasonably prudent man of ordinary firmness and courage would have entertained the same belief or the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life; and 4) the defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did. *State v. Davis*, 282 S.C. 45, 317 S.E.2d 452 (1984). The fourth element—the duty to retreat—is excused under the Act. *State v. Curry, ibid.*

Following the defendant's presentation of his case, the State made a motion for directed verdict, arguing that the defendant failed to prove each element of self-defense by a preponderance of the evidence. The State's motion for directed verdict is granted.

This Court finds that the defendant failed to prove by a preponderance of the evidence that he was not at fault in bringing on the difficulty or that he was in danger of death or suffering serious bodily injury. He and the Waffle House cook get into an

FILED  
Horry County  
RENEE N. ELVIS  
CLERK OF COURT  
Horry County, SC  
2013 APR 24 AM 9:45

RENEE N. ELVIS  
CLERK OF COURT  
Horry County, SC

CERTIFIED COPY

argument and, during that argument, the defendant stands up and leans over the counter toward the cook. That provokes Brandon Harshaw to come to the aid of the cook. Further, the ensuing scuffle is a tussle with each participant grabbing the other, falling to the floor, throwing punches and kicking. A review of the security video from the Waffle House showing the incident does not indicate any activity that would put a reasonable person in fear of his life and, although a person can suffer serious bodily injury from a physical altercation, this altercation started with the victim simply pulling the defendant off the counter and the two shoving each other.

NOW, THEREFORE, based upon the above findings of fact and conclusions of law, it is hereby

ORDERED, that the defendant's Motion to Dismiss Pursuant to South Carolina Protection of Persons and Property Act, S.C. Code §16-11-410, Et. Seq. is DENIED.

AND IT IS SO ORDERED.

*Benjamin H. Culbertson*  
Benjamin H. Culbertson  
Presiding Judge

FILED  
HORRY COUNTY  
2023 APR 24 A 9:55  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

April 21, 2023  
Conway, SC

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

**WITNESSES**

Heath Watford, Conway, Police, Department

*Jeff Jordan*

**ARREST WARRANT NUMBER**

2021A2620400456  
CDR: 0549 16-23-0490  
DOA: 6/2/2021

**ACTION OF GRAND JURY**

**TRUE BILL**

*Randall Rand*

Foreperson of Grand Jury  
Date:

**VERDICT**

CERTIFIED COPY  
RENÉE H. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

Foreperson of Petit Jury  
Date:

DOCKET NO. 2022GS2600053

**The State of South Carolina**

**County of Horry**

Martin D. Spratlin 21H03067

**COURT OF GENERAL SESSIONS**

**JANUARY, 2022 TERM**

**THE STATE**

**vs.**

Chancey Rashon Deval Hickman  
B/ M

DOB:  
SSN:

**ATTORNEY: G. Scott Bellamy**

**Indictment for**

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

**Jimmy A. Richardson, II, Solicitor**

**ORIGINAL**

HORRY COUNTY

2022 JAN 18 A 9:35

RENÉE H. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE RECEIVED FROM  
GRAND JURY

RECEIVED  
MAY 03 2023  
SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT

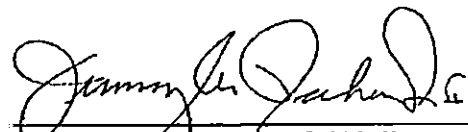
At a Court of General Sessions, convened on January 12, 2022, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Chancey Rashon Deval Hickman did in Horry County, on or about June 1, 2021, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY

**WITNESSES**

Heath Watford Conway Police Department

*Heath Watford*

VERIFIED COPY  
RENEE N. ELVIS  
CLERK OF COURT  
Horry County, SC

**ARREST WARRANT NUMBER**

2021A2620400455

CDR: 0217 16-03-0050

DOA: 6/2/2021

**ACTION OF GRAND JURY**

*Ron Lundy*  
Foreperson of Grand Jury

Date: **AUG 19 2021**

**VERDICT**

**TRUE BILL**

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS2603342

**The State of South Carolina**

**County of Horry**

Martin D. Spratlin

21H03067

**COURT OF GENERAL SESSIONS**

**AUGUST, 2021 TERM**

**THE STATE**

**vs.**

**Chancey Rashon Deval Hickman**  
B/ M

DOB:  
SSN:

**ATTORNEY: G. Scott Bellamy**

**Indictment for**  
**VOLUNTARY MANSLAUGHTER**

**Jimmy A. Richardson, II, Solicitor**

**ORIGINAL**

**RECEIVED**  
**MAY 03 2023**  
**SC Court of Appeals**

HORRY COUNTY

2021 AUG 19 A 11: 56

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE RECEIVED FROM  
GRAND JURY

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HORRY )

INDICTMENT

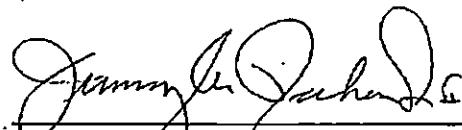
At a Court of General Sessions, convened on August 18, 2021, the Grand Jurors of Horry County present upon their oath:

VOLUNTARY MANSLAUGHTER

CDR: 0217 16-03-0050

That Chancey Rashon Deval Hickman did in Horry County on or about June 1, 2021, unlawfully kill one Brandon Harshaw, without malice, in the sudden heat of passion upon sufficient legal provocation, in violation of Section 16-03-0050, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

REBE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

CERTIFIED COPY