

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE

) THE COURT OF GENERAL SESSIONS
) CASE NO. 2021-GS-01-215
)

)
) STATE OF SOUTH CAROLINA,
)

) vs.
)

) TRAVIS ARNET LEE,
)

) Defendant.
)
)
)
)
)
)
)
)

RECEIVED

Dec 01 2023

SC Court of Appeals

ORDER DENYING MOTION FOR A
NEW TRIAL AND
RECONSIDERATION OF SENTENCE

Addy, J.

THIS MATTER IS BEFORE THE COURT on Defendant's motion for a new trial and reconsideration of the sentence imposed. At trial, Mr. Lee was represented by Jamison Tinsley, Esq., and the State was represented by Deputy Solicitors Micah Black and Yates Brown. Mr. Lee's co-defendant, Kendrick Lee¹, filed a detailed, formal motion, and counsel for Travis Lee joined in that motion per an October 30, 2023 email. Having reviewed the grounds as laid out in the motion, the Court finds as follows:

1. Concerning jury qualification and seating of the alternate juror, the Court reiterates its initial finding that the State exercised its peremptory challenge in a racially neutral manner. Although the Court would have allowed the prospective alternate juror to serve after the State withdrew their peremptory challenge to the prospective alternate, the Court found that, unbeknownst to all prior to jury selection, the alternate juror was extremely hard of hearing. Because of this obvious issue, the Court lacked the necessary assurance that the individual had, in fact, heard and responded appropriately to the Court's *voir dire* during jury qualification. Accordingly, as a matter of practical necessity, the Court excused the prospective alternate juror. The Court also notes that, concerning the issue raised in footnote 6, the Court made its

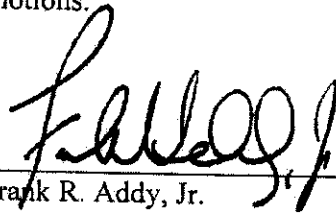
¹ Kendrick Lee's case number is 2021-GS-01-214.

strike sheet and detailed juror list a court's exhibit, so that information should be reflected in both the physical record and the transcript of the proceedings.

2. The Court stands by its opening remarks to the jury. As a practical matter, the use of the adjective "true" to modify the noun "facts" in the Court's instruction as to the role of the jury adds little to the noun and does not rise to the level of instructing a jury to "seek the truth" per State v. Beaty, 423 S.C. 26, 813 S.E.2d 502 (2018). Put another way, even absent the use of the adjective, a jury would still understand that their role is to determine what the "true" facts are because it would be quite nonsensical for a jury to believe that their duty is to determine what the "false" facts are.
3. Concerning the verdict form and request for a *King* instruction, the Court is satisfied that such an instruction was not warranted and that Mr. Lee was not prejudiced by the structure of the verdict form.
4. Regarding sentencing, the Court delayed sentencing for roughly two (2) weeks and did review the recorded statements of the victim, Mr. Hughey, prior to imposing sentence. The Court weighed all mitigating and aggravating factors in imposing the sentence, and the Court agreed with Mr. Tinsley that Travis Lee's more limited involvement in this assault certainly warranted less than a twenty (20) year sentence. The Court also took Mr. Hughey's and his mother's request for leniency into account in imposing an active seven (7) year sentence. In light of Travis Lee's more limited role, his criminal history, and the comments by Mr. Hughey, his mother, and those who spoke on behalf of Travis Lee, the Court finds that this sentence remains the appropriate sentence and comports with all statutory provisions.

WHEREFORE, the Court denies Mr. Lee's motions.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Circuit Court Judge
Eighth Judicial Circuit

November 21, 2023
Greenwood, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
Filed 11/21 A.D. 2023
at 2:25 o'clock P M
Shanda Boags
Clerk of Court