



# The South Carolina Court of Appeals

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March 27, 2024

Ms. Sarah Elizabeth Shipe, Esquire  
1330 Lady Street, Suite 401  
Columbia SC 29201

Mrs. Kinli Bare Abee, Esquire  
PO Box 11549  
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Re: The State v. Leslie Keiffer  
Appellate Case No. 2022-000360

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

cc: Alan McCrory Wilson, Esquire  
Isaac McDuffie Stone, III, Esquire  
The Honorable Robert J. Bonds

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Leslie Keiffer, Appellant.

Appellate Case No. 2022-000360

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Appeal From Jasper County  
Robert J. Bonds, Circuit Court Judge

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Unpublished Opinion No. 2024-UP-103  
Submitted March 1, 2024 – Filed March 27, 2024

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**AFFIRMED**

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Appellate Defender Sarah Elizabeth Shipe, of Columbia,  
for Appellant.

Attorney General Alan McCrory Wilson and Assistant  
Deputy Attorney General Kinli Bare Abee, both of  
Columbia; and Solicitor Isaac McDuffie Stone, III, of  
Bluffton, all for Respondent.

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**PER CURIAM:** Leslie Keiffer appeals her conviction for third-degree domestic violence and her sentence of sixty days' imprisonment, suspended upon the service of seven days' imprisonment. On appeal, Keiffer argues the trial court erred in

refusing to instruct the jury that it may draw an adverse inference against the State based upon the responding officer's missing body-worn camera footage. We affirm pursuant to Rule 220(b), SCACR.

We hold the trial court did not abuse its discretion in refusing to charge the jury on the spoliation of evidence because there are no South Carolina appellate decisions addressing whether such a charge is a correct statement of law in a criminal case. *See State v. Adkins*, 353 S.C. 312, 318, 577 S.E.2d 460, 463 (Ct. App. 2003) ("In reviewing jury charges for error, we must consider the court's jury charge as a whole in light of the evidence and issues presented at trial."); *State v. Mattison*, 388 S.C. 469, 479, 697 S.E.2d 578, 584 (2010) ("An appellate court will not reverse the trial [court]'s decision regarding a jury charge absent an abuse of discretion."); *State v. Burkhardt*, 350 S.C. 252, 261, 565 S.E.2d 298, 30 (2002) ("In general, the trial [court] is required to charge only the current and correct law of South Carolina."); *State v. Brown*, 362 S.C. 258, 262, 607 S.E.2d 93, 95 (Ct. App. 2004) ("To warrant reversal, a trial [court's] refusal to give a requested jury charge must be both erroneous and prejudicial to the defendant."); *State v. McBride*, 416 S.C. 379, 389, 786 S.E.2d 435, 440 (Ct. App. 2016) ("Adverse inference charges are rarely permitted in criminal cases."); *State v. Breeze*, 379 S.C. 538, 547, 665 S.E.2d 247, 252 (Ct. App. 2008) (affirming the denial of a requested jury charge that an adverse inference could be drawn against the State for failing to produce the marijuana).

**AFFIRMED.**<sup>1</sup>

**THOMAS, MCDONALD, and VERDIN, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.