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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2022-001287

THE STATE,

Respondent,

v.

EUGENE TURNER, JR.,

Appellant.

FINAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUES ON APPEAL

I. At a pretrial immunity hearing, Turner gave inconsistent and incredible testimony about the events leading to him shooting at victims. Victims' statements contradicted Turner's story and physical evidence supported victims' version of events. Did the trial court abuse its discretion by denying Turner's motion for immunity pursuant to S.C. Code §16-11-440?

II. The parties agreed not to introduce evidence that Victim's stepchild accused Turner of sexual assault, which was the source of bad blood between Turner and Victim. The allegations were referred to as a "serious family incident" throughout trial, but one victim explained no charges were filed against Turner because "Mom [hadn't] taken any action." Turner elicited evidence there were "disagreements about discipline" of the child. Did the trial abuse its discretion by refusing to declare a mistrial?

STATEMENT OF THE CASE

In August 2018, a Greenville County grand jury indicted Appellant Eugene Turner Jr. for five counts of Attempted Murder and one count of Possession of a Weapon during the Commission of a Violent Crime. Turner moved for immunity pursuant to the Protection of Persons and Property Act, S.C. Code Ann. §16-11-410–450. After a pretrial hearing on September 6, 2022, the Honorable Perry H. Gravely, Circuit Court Judge, denied Turner's motion and the case proceeded to jury trial. The jury convicted Turner of one count of attempted murder and the weapon charge. Turner was acquitted of the other four counts of attempted murder, but convicted of three counts of First Degree Assault and Battery as lesser-included offenses. Turner was sentenced to 18 years' incarceration for attempted murder, 8 years for each Assault and Battery conviction, and 5 years for the weapon charge, with the sentences to be served concurrently. This direct appeal follows.

STATEMENT OF FACTS

These charges arose from a shooting at a bar in Greenville called "The Dugout." Turner opened fire on a vehicle occupied by four people, and these are the victims of the subject convictions. They are Daniel Stokes, Angela Anderson, Kim Pickens and Nachrisma Rosemond. Afterwards, Turner assaulted a fifth person, Christine Wolfe, but was acquitted of all charges related to this act. The following facts were adduced at trial.

There was a history of bad blood between Turner and Stokes. They had each previously been in a relationship with the same woman: Monique Fletcher. Stokes has a daughter with Fletcher and was a father figure to Fletcher's two other children. (R. 267-269). Fletcher and Stokes broke up in 2011 or 2012, but Stokes maintained a relationship with all of Fletcher's children and co-parented with Fletcher. (R. 268-269). Fletcher began dating Turner in 2012 or 2013. (R. 270). Turner and Stokes initially had a cordial relationship. Stokes, a barber, even cut Turner's hair on occasion. (R. 270).

The relationship went south in 2013. One of Fletcher's daughter's, whom Stokes co-parented and considered his stepchild, reported Turner had inappropriately touched her in a sexual manner. (R. 55-57; 59; 269-270). No charges were filed against Turner. (R. 60:21-23). Stokes was angry about the situation, and he, Anderson, and Wolfe posted threatening messages on Facebook directed at Turner. (R. 75-86). There was an August 2013 incident where Stokes was charged with Malicious Injury to Personal Property after damaging Turner's car. (R. 49-51).

The incident which resulted in attempted murder charges against Turner occurred on the night of September 1, 2017. (R. 279:20). It was Fletcher's birthday, and she was celebrating at The Dugout with Wolfe and others. (R. 524). Wolfe testified she saw Turner enter the bar and she became scared. (R. 529). Shortly after, Turner came to the table and gave Wolfe and Fletcher

drinks, spilling some drink in the process. (R. 530). Wolfe called Stokes and asked him to come to The Dugout. (R. 530). Shortly later, Turner came back by the table, made a comment to Fletcher's brother, and walked outside. (R. 534). Moments later, Wolfe heard screams and gunshots coming from outside. (R. 534). Wolfe thought her brother was in danger and walked outside. (R. 535). She saw Turner with a gun in his hand. (R. 535). Turner saw her, and Wolfe froze. (R. 535). Turner walked towards her saying "bitch, you messed up my life, I'm gonna kill you." (R. 536). Turner later told police he blamed Wolfe for calling Stokes to The Dugout. (State's Exhibit #20). Turner pointed the gun at her and then struck her in the face. (R. 536). Wolfe testified as follows about what happened next:

> As he cussed me out, he took that gun at the top of my forehead doing it like this, pulling it down my nose. He shoved that gun into the back of my throat and shoved me until I hit the ground. That gun did not come out of my mouth and when I was on that ground he pulled that trigger . . . that gun, it's like it jammed or something. . . I heard the click. I felt the motion and the pressure in my throat and it's like it jammed and then after it jammed, I felt it again. Like he was still trying to make it shoot. . . It was like he was trying to force it to shoot and when it didn't go off the second time, he started stomping me in my head, and all I could do is ball over to try to cover my head.

(R. 536-537). Everything started to get "foggy," but when she came to her senses she saw Turner running away. (R. 537:25). Wolfe's testimony was consistent with her statement to police after the incident. (R. 654).

Stokes testified he was going out to dinner with Anderson, Rosemond, and Pickens when he received the call from Wolfe, his sister. (R. 280-281). Stokes was driving Anderson's car, a white GMC Yukon. (R. 485). Stokes and Anderson were dating. (R. 482). Stokes drove to The Dugout and parked near the front entrance. (R. 280). When he stopped, "Turner popped up." (R. 283:19). Turner was standing next to Wolfe's car, which was near the entrance. (R. 283-284). Turner approached Stokes's car, pulled a handgun, and pointed the gun directly at Stokes. (R.

285-286). Stokes's vehicle was still in gear. (R. 285:13-14). Stokes never got out of the car. (R. 298:20-21). Turner was "pulling the trigger" as he approached but the gun was "not going off." (R. 287:9-11). Stokes testified the gun "was jammed or not working properly or he didn't know how to use it. The safety could have been on, anything. But as he's going down, it's like he's trying to re-cock the gun, or whatever, the mechanism to move the top of the gun." (R. 287:13-17). Stokes was not armed. (R. 299-300). He described it as an ambush. (R. 298:24).

Stokes backed the vehicle away from The Dugout, reversing all the way to a business next door. (R. 288). As Stokes turned around, he could hear bullets ricochet off his vehicle. (R. 288). Stokes heard three or four bullets strike his vehicle. (R. 289:15-17).

Nachrisma Rosemond was in the back seat of Stokes's car. (R. 397). She testified when they pulled up to The Dugout, none of them got out of the car. (R. 403:13-17). None of them had a weapon. (R. 404:5-6). Rosemond heard Pickens say "he got a gun." (R. 397:24). She observed Turner coming towards the vehicle. Turner dropped the cell phone he was carrying, pulled a handgun and "tried to shoot the gun" but it "didn't go off." (R. 398). As Turner tried to "re-cock" the gun, Stokes reversed away from The Dugout and "that's when the bullets started going off." (R. 399:1-7). She estimated Turner fired five or six shots and she heard two shots strike the vehicle. (R. 414). In a neighboring parking lot, Stokes turned the vehicle around and "as he was going down the road, [Turner] was still walking in the road shooting the gun." (R. 400:1-3). Rosemond testified when Stokes turned around, "[t]hat's how the bullet ended up hitting the passenger side of the car when we were reversing it." (R. 400:11-13).

Kim Pickens testified essentially the same. When the group arrived, she saw Turner on his cell phone. Pickens saw that he had a gun and told Stokes to put the car in reverse. She saw Turner "re-cock the gun" as he approached the vehicle. (R. 423:14). As they backed away,

Turner was "in the middle of the road" firing at them. (R. 422-423). She heard something hit the car, but wasn't sure how many times. (R. 423). When they reached a place of safety, Stokes called Wolfe and Pickens heard her screaming on the other end of the line. (R. 424). Pickens went back to The Dugout to find Wolfe. When she approached her, Wolfe was hysterical and began trying to fight Pickens until she realized who she was. (R. 425-426).

Angela Anderson, the fourth passenger, testified Stokes was driving her car that evening. She explained that prior to the night of the shooting, the impressions in her vehicle depicted in State's Exhibit #24 were not there. (R. 485:15-24). Her recollection of the shooting was essentially the same as Stokes, Rosemond, and Pickens. She testified when they pulled up she heard someone say "gun," and saw Turner walking to the driver's side of the vehicle. (R. 488-489). Turner "had the gun and he shot and then it didn't go off and then he cocked it back down and then he shot again. By that time we was rolling in reverse." (R. 489). Anderson saw Turner fire at them from the road in front of The Dugout. (R. 492; 506). She heard bullets hitting the car as they drove away. (R. 489). She confirmed there was no gun in their car. (R. 493:18).

Police responded to a call of shots fired and arrived around midnight. (R. 330). Officer Cameron Woody observed impressions at various points on Anderson's vehicle, including the passenger's side and rear. (R. 334-336). Police recovered seven shell casings from the roadway in front of The Dugout. (R. 340:8-11). Turner was not on scene when police arrived. (R. 356:1-3).

Police searched Turner's home when they arrested him five days after the incident, but did not recover a weapon. (R. 688-689). Turner claimed he gave the gun back to its owner, but did not know the man's name. (State's Exhibit #20). When police arrived to execute the warrant and arrest Turner, Turner called 911. During the call, Turner told the operator he "did some

things over the weekend" and admitted he "shot up the car." (Defense Exhibit #11). He said there was some "drama" going on involving Stokes and his child's mother.

Turner testified at the pretrial immunity hearing. Turner claimed Stokes exited the vehicle and approached him from behind while he was urinating in the parking lot. He claimed Stokes was reaching in his pocket. Turner admitted firing four shots at Stokes, after which Stokes ran back to his car. He admitted striking Wolfe in the face. Turner's testimony is discussed further in the argument section below.

ARGUMENT

I. Evidence supports the trial court's denial of immunity where Turner's incredible testimony at the pretrial hearing was contradicted by the victims' statements and physical evidence at the scene.

Turner claims the trial court abused its discretion by refusing to grant him immunity from prosecution pursuant to the Protection of Persons and Property Act, S.C. Code Ann. § 16-11-410–50. Evidence supports the trial court's finding that Turner failed to prove by a preponderance of the evidence that he acted in self-defense. This Court should affirm.

Standard of Review.

A denial of immunity under PPPA is reviewed for an abuse of discretion. State v. Cervantes-Pavon, 426 S.C. 442, 449, 827 S.E.2d 564, 567 (2019). A circuit court abuses its discretion when its ruling is based on an error of law, or when grounded in factual conclusions, is without evidentiary support. Id.

The trial court made sufficient findings.

As an initial matter, Turner's claim that the trial court's failed to make specific findings on the elements of self-defense is not preserved for review. Turner made no objection below to the sufficiency of the trial court's ruling. An issue may not be raised for the first time on appeal, but must have been raised to and ruled on by the trial judge to be preserved for review. State v. Carlson, 363 S.C. 586, 595, 611 S.E.2d 283, 287 (Ct. App. 2005). This claim is not preserved for review. See State v. Collins, 409 S.C. 524, 535, 763 S.E.2d 22, 28 n.4 (2014) (rejecting claim that trial court did not conduct proper 403 analysis where appellant did not "object to any alleged delict in the trial court's procedure at the time of the ruling").

Even if preserved, the trial court made sufficient findings to enable review. Turner asserts the trial judge failed to "consider and address" the elements of self-defense. Brief of Appellant at 13. However, the trial court did address the elements of self-defense in its ruling,

and the record demonstrates the court considered specific testimony and made appropriate factual determinations. After a full hearing and lengthy arguments by the attorneys, which focused heavily on the facts, the trial court adjourned for the day. The next morning, the court announced its ruling denying immunity and explained why he found Turner failed to show he acted in self-defense. (R. 239-240).

The court did not find Turner's version of events to be credible. It explained: " . . . part of my job is to determine credibility. And I think there's . . . definitely holes in the story as far as being able to establish self-defense . . . ." (R. 239). The court found there were inconsistencies in Turner's statement to police and the version of events he gave on the stand and in comparison to the video. (R. 239-240). While the court did not list them, there are inconsistencies discussed below.

The court made findings relevant to Turner's reasonable apprehension of harm, noting Turner stated in his 911 call there had been "drama," but never claimed he acted in self-defense. (R. 239). The court also referenced the "reasonable person" standard, although it did not explicitly state its finding that Turner's conduct did not meet that standard. (R. 240:7-9). Finally, the court noted there was an "issue of whether he's without fault in bringing about the difficulty in the fact that there was testimony that he knew . . . that person would be there." (R. 241:10-12).

While the court could have given a more detailed explanation of its findings, it is evident the court conscientiously considered the testimony and applicable law before ruling. Under the abuse of discretion standard, the appellate court is primarily concerned with whether the trial court exercised its discretion. This means the trial court "must think through" the issue with which it is presented "and must thoughtfully apply the correct law to the information and

evidence before it." State v. Wallace, 440 S.C. 537, 543, 892 S.E.2d 310, 313 (2023). If "the record reflects the trial court 'exercise[ed] its discretion according to law,' [the appellate court] will almost always affirm the ruling." Id. (quoting Morris v. BB&T Corp., 438 S.C. 582, 586, 885 S.E.2d 394, 397 (2023)). To exercise discretion means to "follow a thought process that begins with the trial court's clear understanding of the applicable law, continues with the court's sound analysis of the situation before it in light of the law, and ends with the trial court's ruling that follows the law and is supported by the facts and circumstances." Morris v. BB&T Corp., 438 S.C. 582, 587, 885 S.E.2d 394, 397 (2023). See also State v. Cope, 385 S.C. 274, 289, 684 S.E.2d 177, 185 (Ct. App. 2009), aff'd, 405 S.C. 317, 748 S.E.2d 194 (2013) (finding no abuse of discretion in admission of evidence where the "trial court in this case conscientiously considered the proffered anecdotal evidence before excluding this testimony"); Collins, 409 S.C. at 535, 763 S.E.2d at 28 n.4 (finding trial court exercised discretion, noting "the record shows the trial court did thoroughly consider the arguments of both the State and the defense" before evidentiary ruling).

It is often important for the trial court to articulate its findings because this enables the appellate court to review its ruling in an informed manner. State v. Cervantes-Pavon, 426 S.C. 442, 452, 827 S.E.2d 564, 569 n.4 (2019). However, the trial court is not required to spell out its ruling or use any particular verbiage. The question is whether the appellate court can ascertain a legally sufficient basis for the ruling. Cervantes-Pavon, 426 S.C. at 452, 827 S.E.2d at 569 (remanding for new immunity hearing where appellate court was "unable to discern a legally correct basis on which the court relied").

Turner compares this case to Glenn, but in that case the trial court did not make any factual findings at all, instead resting its ruling exclusively on a legal issue that was later

determined by the Supreme Court to be inapplicable to the facts. State v. Glenn, 429 S.C. 108, 123, 838 S.E.2d 491, 499 (2019) (explaining "the circuit court did not address the elements of self-defense, thereby making appellate review difficult"). That is not the case here, where the trial court applied the correct law and made a fact-based determination that Turner failed to prove he acted in self-defense.

Should this Court determine the circuit court erred by failing to make specific findings, the proper remedy is remand for a new hearing, not reversal of Turner's convictions. See Cervantes-Pavon, 426 S.C. at 452, 827 S.E.2d at 569. However, remand is not necessary because the basis for the trial court's is reflected in the record, and evidence supports its ruling.

Evidence supports the trial court's finding that Turner failed to prove he acted in self-defense.

S.C. Code Ann. § 16-11-440(C) provides for immunity from criminal prosecution for an alleged crime of violence if the defendant proves at a pretrial hearing that he was attacked in a "place he had a right to be," and was acting lawfully. In these circumstances, there is no duty to retreat. Alternatively, a defendant may be granted immunity if he proves he acted in self-defense as defined by the common law, including the duty to retreat. State v. Scott, 424 S.C. 463, 473, 819 S.E.2d 116, 120 (2018) (citing §16-11-450(A)). A defendant bears the burden of establishing self-defense by a preponderance of the evidence. State v. Duncan, 392 S.C. 404, 411, 709 S.E.2d 662, 665 (2011).

Turner's testimony was inherently dubious. Turner testified he was simultaneously urinating and cleaning his car when he "noticed the gun" in his dashboard and moved it underneath the seat. (R. 179-180). He claimed Stokes approached him from behind and called him an insulting name. (R. 161). Turner claimed: "I jumped in my car, reached in my pocket, and grabbed the pistol. And he was getting closer and closer. And when he got closer to me . . . I

cocked the pistol one time. . . . he seemed like he was fidgeting with something. I don't know what he was doing. So . . . . I shot, at least, four times." (R. 161-162). Yet Stokes was not hit and no shell casings were recovered from the parking lot.

Turner claimed at the immunity hearing his back was turned when Stokes approached him from behind. (R. 161:14). But he also stated he saw the "doors open" on Stokes's vehicle, and "saw [Stokes] jumping—you know it was all this stuff going on." (R. 164:2-3; 165:4-11). He later claimed "they jumped out of the car . . . ." (R. 174:16). But Turner changed his story again, repeating the earlier version of his story that he didn't see Stokes "jump" out of the car, but had his back turned. (R. 175). Turner waivered on whether he recognized Stokes's vehicle approaching: "I glanced at it, but then I didn't glance at it." (R. 163:20-21).

Turner's testimony differed from his prior statement to police. He told police he saw Stokes "jump up out the car." (State's Exhibit #20). He said he saw "all four doors open." (State's Exhibit #20). He never told the deputy he had been urinating by his car, but said he was on the phone in front of the dugout and "ran" to his car when he saw Stokes pull up. (State's Exhibit #20). He claimed he got the handgun from the sleeve or "vent" in the car door, and it had been there the entire time. (R. 196:7-9; State's Exhibit #20). Turner admitted he shot at the truck. (State's Exhibit #20). When confronted with the inconsistencies, Turner claimed he "was on medication bad that day." (R. 202:3).

By contrast, Stokes told police Turner approached his driver's side door with a handgun and started shooting. (R. 124-125). Anderson stated Turner "pulled out a firearm and shot at their vehicle while they were in the vehicle." (R. 104:11-13). Pickens told police: "He appeared to be on the phone. He then reached into his pocket and pulled out a gun, black in color. He cocked the gun and pointed it at the car. He pulled the trigger as we're reversing the car. I heard one

shot hit the car. Eugene fired about six more shots following us into the road while we reversed." (R. 116).

There was no evidence Stokes was armed. Turner admitted he never saw a gun. (R. 174:7-15). He testified Stokes was "messing with his pocket" as he ran towards him. (R. 184:10-13). Turner testified when he pulled a gun and began firing, Stokes "turned around and ran" back to his vehicle and got in the driver's seat. (R. 184:24-185:13). Turner admitted he punched Wolfe in the face. (R. 166).

The trial court based its denial of immunity in part on the fact that Turner fired at Stokes's vehicle "as it was leaving," when Turner was no longer in danger. (R. 240:13-16). The evidence tended to show Turner fired at Stokes's vehicle from the roadway, where the 7 shell casings were recovered, not from the parking lot where Turner claimed to feel threatened by Stokes. (R. 122-123). An officer testified there were impressions in the "passenger side and rear" of the vehicle, corroborating victim accounts that Turner fired at the vehicle even after it had reversed down the road, turned around, and started to drive away. (R. 126:17-18; 133-134). This evidence alone supports the trial court's denial of immunity.

Thus, there was conflicting evidence about the essential facts of the case, and Turner's testimony was internally inconsistent and inconsistent with his prior statement to police. Turner claims the State "failed to rebut the defendant's testimony that he saw the victim reach under his shirt for a weapon as he advanced toward the defendant." Brief of Appellant at 12. However, the victims stated none of them ever got out of Stokes's vehicle, much less "advanced toward" Turner. (R. 104:10-13; 116:1-6; 124-125).

Turner further claims the trial court erroneously held "§16-11-440(C) was inapplicable." Brief of Appellant at 12. The trial court did not hold §440(C) was "inapplicable," except to the

extent that it held Turner failed to meet his burden of proving self-defense. The court specifically cited §440(C) in its ruling. Turner alleges the trial court committed errors of law, but in reality the court merely rejected Turner's incredible version of events.

Turner's testimony was inherently dubious and conflicted with the physical evidence and victims' statements. The record supports the trial court's finding that Turner was not credible and that he failed to prove he acted in self-defense. (R. 239:14-18). This Court should affirm.

II. The trial correctly refused to grant a mistrial based on a witness's description of prior difficulties between Turner and a victim's stepchild because the testimony did not reasonably suggest Turner sexually assaulted the child.

Turner claims the trial court abused its discretion by refusing to declare a mistrial after a State's witness testified prior difficulties between him and Turner "involve[d] a kid." (R. 274:2). The trial court correctly refused to grant a mistrial because the testimony did not reasonably suggest Turner sexually assaulted the child. This Court should affirm.

Standard of review.

The granting of a mistrial is within the discretion of the trial judge, whose decision will not be overturned on appeal absent an abuse of discretion. State v. Jones, 325 S.C. 310, 317, 479 S.E.2d 517, 520 (Ct. App. 1996).

Discussion.

As discussed above, the bad blood between Turner and Stokes originated from a report that Turner had inappropriately touched Monique Fletcher's daughter, whom Stokes treated as a stepchild. Before trial, Turner moved to "exclude any reference to the actual charge of molestation, or abuse, or however that was put." (R. 241:23-25). The parties agreed neither side would introduce evidence of the allegations of sexual assault made against Turner. Defense counsel stated: "the language we have agreed on is something due to the fact of this involved a serious family incident involving a family member." (R. 242:3-6). The solicitor explained the intent of the stipulation was to exclude reference to "molestation, or sex abuse, or inappropriate touching . . . ." (R. 242:22).

Pursuant to the stipulation, the prosecutor asked Stokes on direct examination whether there was "a serious family incident involving a family member," and Stokes responded there was. (R. 272:8-12). Stokes then admitted he made an angry Facebook post in response. The

solicitor then asked, "did law enforcement get involved?" (R. 272:18-19). Stokes responded: "They were involved. But it was a . . . like, kind of shifty. They were like no evidence yet. Mom hasn't taken any action or . . . ." (R. 272:20-22). Defense counsel objected and the trial court sustained the objection.

Turner then moved for mistrial. He argued, "the implication is out there because he said mother that it's going to involve a kid." (R. 274:1-3). Defense counsel asserted the parties agreed there would be no "discussion about kids." (R. 273:25). The trial court denied the motion for mistrial and Turner declined a curative instruction. (R. 274). Stokes then testified the "serious family incident" involved Turner, that Stokes's sister called law enforcement, no charges were brought as a result, and the lack of charges upset him. (R. 277-278).

In later testimony, Rosemond referred to the prior difficulties as a "family incident." (R. 393:22; 408-409). Likewise, during Anderson and Wolfe's testimony the prior difficulties were referred to as a "serious family incident." (R. 483:8; 520). Anderson and Wolfe reiterated that no charges were filed against Turner. (R. 484).

The trial court did not abuse its discretion in denying the motion for mistrial. The granting of a motion for mistrial is an extreme measure that should be taken only when the incident is so grievous the prejudicial effect can be removed in no other way. State v. Bantan, 387 S.C. 412, 417, 692 S.E.2d 201, 203 (Ct. App. 2010). A mistrial should be granted only when absolutely necessary and a defendant must show both error and resulting prejudice to be entitled to a mistrial. Id. "A mistrial should only be granted in cases of manifest necessity and with the greatest caution for very plain and obvious reasons." Id. (citations omitted).

In his Statement of the Case, Turner improperly asserts Stokes "violated the stipulation." See Rule 208(b)(1)(C), SCACR (providing Statement of the Case "shall not contain contested

matters"). As the solicitor explained when the parties announced the stipulation, the intent was to exclude reference to "molestation, or sex abuse, or inappropriate touching . . . ." (R. 242:22). The stipulation was not that there would be no "discussion about kids."

The testimony did not suggest Turner sexually assaulted Fletcher's child. Turner argued that because Stokes "said mother" the jury would infer the incident "involve[d] a kid." (R. 274:2). Even if true, it did not suggest sexual abuse. The comment in question came directly after Stokes described a prior disagreement about Turner "trying to discipline" Fletcher's children. (R. 271:15-272:7). Defense counsel later elicited from Stokes that he and Turner had "problems in the past . . . related to [Stokes's] biological child with Ms. Fletcher . . . . including the one time you mentioned there [were] . . . disagreements about discipline." (R. 302:15-23). A juror's natural assumption would have been that the "serious family incident" referred to some sort of disciplinary act.

Given this context, the comment Turner complains of was not reasonably interpretable as involving an allegation of sexual abuse. Subsequent testimony established no charges were filed against Turner based on the incident. The effect of the testimony was to explain the origin of the animosity between Turner and Stokes. The trial court correctly held the testimony did not present the "manifest necessity" of a mistrial, and Turner was not prejudiced. This Court should affirm.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgments and convictions of the lower court should be affirmed.

Respectfully submitted,

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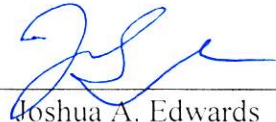

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STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2022-001287

THE STATE, Respondent,

v.

EUGENE TURNER, JR., Appellant.

CERTIFICATE OF COUNSEL

The undersigned certifies this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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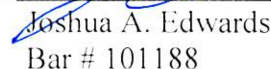
By: 
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