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Mar 10 2025

SC Court of Appeals

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

Sincere J. Owens,

Petitioner,

v.

The State of South Carolina,

Respondent.

Appellate Case No. 2020-000560

Appeal from Colleton County
William H. Seals Jr., Circuit Court Judge

Unpublished Opinion No. 2025-UP=019
Submitted December 2, 2024 - Filed January 23, 2025

MOTION FOR RECONSIDERATION

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S.C. Bar Id. No. 0012930
Attorney for Petitioner

March 10, 2025.

The Petitioner, Sincere J. Owens, respectfully requests that this Honorable Court to reconsider its Unpublished Opinion (2025-UP-019) denying him relief from the PCR Court's denying him relief. The grounds for such Motion are set forth herein below:

The facts in this case are markedly different from Leggette v. State, 440 S.C. 590, 892 S.E.2d 153 (2024). In Leggette, it appears that the Defendant therein was in a bar where rival gang members abounded. It appears that the "sudden heat and passion," temporal element is greatly expanded to include the provocation of others not directly involved with the killing. The Court is straying further and further by expanding the "sudden heat and passion" definition to include "prior difficulties," rather than on the spot and close in time confrontations.

Conversely, the Court is watering down acts that should be considered murder. Just not liking someone should not, alone, absolve an actor from being convicted of murder. Also, By ever expanding the definition and circumstances to justify a voluntary manslaughter jury charge, allows crafty solicitors provide a jury with a chance for a compromise verdict when the facts and elements do not warrant such a jury charge.

In the typical murder case, voluntary manslaughter, is not brought forth in the murder indictment, nor are the facts of voluntary manslaughter stated in the indictment. This fact greatly hampers the defendant's notice of what facts and allegations against which he must defend himself. Manslaughter is a creature of statutory law. See, Section 16-3-50.

WHEREFORE, the Petitioner herein respectfully prays that this Honorable Court

reconsider its judgment rendered in this case and find that trial counsel fell below the reasonable standard of practice by not objecting to the jury charge of voluntary manslaughter.

Respectfully Submitted,

S/ Jared S. Newman

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PROOF OF SERVICE

Pursuant to the Supreme Court's Order "Re: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the MOTION TO RECONSIDER has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Danielle Dixon, Esquire
AIS: DanielleDixon@scag.gov

This 10th day of March, 2025.

S/ Jared Sullivan Newman

Jared Sullivan Newman
Attorney for Petitioner

Jared Sullivan Newman, P.A.

Trial Attorney

Certified Civil Court Mediator

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March 10, 2020

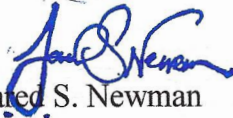
Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Sincere J. Owens v. State of South Carolina*
2015-CP-15-00662 (P.C.R.)

Dear Madam Clerk:

Attached please find for filing via ctappfilings@sccourts.org the Petitioner's Motion for Reconsideration and Proof of Service on the State. If you need anything else please let me know. Thank you and with kind regards, I remain,

Sincerely,



Jared S. Newman

cc: Allen Wilson, A.G. of South Carolina
Danielle Dixon, A.A.G., PCR Section
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Columbia, South Carolina 29201