

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

STATE vs.

Charles Alexander Boulware

AKA: Charles Boulware

RACE: B

SEX: M

DOB:

SSN:

) INDICTMENT/CASE#: 2022GS12182

) AW#: 2021A1220300138

) Date of Offense: 12/11/2021

) S.C Code#: 16-23-0490

) CDR Code #: 0549

) Range of Offense: Possession of a Weapon During the Commission of a Violent Crime (5 years)

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SC Court of Appeals

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Possession of a Weapon During the Commission of a Violent Crime
Range of Offense Pled: (5 years)

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS MANDATORY GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury

The plea is: w/o Rec/Negotiations Negotiated Recommendation

/s Candice Lively 12123

/s Twana Nakeya Burris- Alcide 72010

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program for a determinate term of 5 days/months/years/~~120 days~~ YOANTE _____ years and/or shall pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC 102 days/months To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

- PTUP _____
- No Contact with Victim Domestic Violence Intervention Program Hold for Inpatient Treatment
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 SAC/MHC if necessary
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: _____

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

| | | | |
|---|--|-------------|----------|
| §14-1-206 (Assessments 107.5%) | | Restitution | \$ _____ |
| §14-1-211 (A)(1) Conv. Surcharge | Fine/Costs and Assessments are to be paid to the Clerk of Court within _____ days/months | FINES: | \$ _____ |
| §14-1-211 (A)(2)(DUI Surcharge) | | | \$ _____ |
| §56-5-1995 (DUI Assessment) | | | \$ _____ |
| §56-1-286 (DUI Breath Test) | | | \$ _____ |
| §14-1-212 (Law Enforcement Funding) | | | \$ _____ |
| §14-1-213 (Drug Court Surcharge) | | | \$ _____ |
| §34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs) | | | \$ _____ |
| §50-21-114 (BUI Breath Test Fee) | | | \$ _____ |
| §56-5-2942(J) (Vehicle Assessment) | | | \$ _____ |
| 3% to County (if paid in installments) | | | \$ _____ |
| <input type="checkbox"/> Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees | | | \$ _____ |
| <input type="checkbox"/> §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund | | | \$ _____ |

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SC Court of Appeals

\$40 TOTAL \$ 128.75

/s Betty Jo Lawson
Clerk of Court/Deputy Clerk

2164
Judge Code

August 25, 2025
Sentence Date

Retford
Presiding Judge

SCCA217B
01/27/2025

Court Reporter

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

SENTENCE ORDER

IN THE COURT OF GENERAL SESSIONS

STATE vs.

Charles Alexander Boulware

AKA: Charles Boulware

RACE: B

SEX: M

DOB.

SSN.

) INDICTMENT/CASE#: 2022GS12183

) AW#: 2021A1220300139

) Date of Offense: 12/11/2021

) S.C Code§: 16-23-0500(A)

) CDR Code #: 3434

) Range of Offense: (NMT 5 YEARS &/OR \$2,000)

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SC Court of Appeals

In disposition of the above indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Possession Of A Firearm By A Person Convicted of A Violent Offense Range of Offense Pled: (NMT 5 YEARS &/OR \$2,000)

In violation of § 16-23-0500(A) of the S.C. Code of Laws, bearing CDR Code # 3434

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS MANDATORY GPS § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted Lesser Included Offense Defendant Waives Presentment to Grand Jury

The plea is: w/o Rec/Negotiations Negotiated Recommendation

/s Candice Lively 12123

/s Twana Nakeya Burris- 72010

Alcide

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the SCDC County Detention Center Home Incarceration Program for a determinate term of 5 days/months/years/Time Served YOANTE _____ years and/or shall pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment of \$ _____ plus costs and assessments as applicable*; balance is suspended with probation for _____ months/years and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC 102 days/months To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

- PTUP _____
- No Contact with Victim Domestic Violence Intervention Program Hold for Inpatient Treatment
- Sex Offender Registry pursuant to S.C. Code § 23-3-430 SAC/MHC if necessary
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135
- Other: _____

RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

§17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

| | | |
|-------------|----|--------|
| Restitution | \$ | _____ |
| FINE: | \$ | _____ |
| | \$ | _____ |
| | \$ | _____ |
| | \$ | 100 |
| | \$ | _____ |
| | \$ | 12 |
| | \$ | _____ |
| | \$ | 25 |
| | \$ | _____ |
| | \$ | 25 |
| | \$ | 25 |
| | \$ | _____ |
| | \$ | 150 |
| | \$ | _____ |
| | \$ | 41 |
| | \$ | _____ |
| | \$ | 50 |
| | \$ | _____ |
| | \$ | 40/ea |
| | \$ | _____ |
| | \$ | TBD |
| | \$ | 3.75 |
| | \$ | _____ |
| | \$ | 500 |
| | \$ | _____ |
| | \$ | 40 |
| | \$ | _____ |
| TOTAL | \$ | 128.75 |

/s Betty Jo Lawson
Clerk of Court/Deputy Clerk

Court Reporter

2164
Judge Code

August 25, 2025
Sentence Date

Refford
Presiding Judge

SCCA217B
01/27/2025

SEP 02 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA)
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State of South Carolina,)
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vs.)
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Charles Boulware,)
)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
SIXTH JUDICIAL CIRCUIT

ORDER DENYING IMMUNITY

Warrant No.'s: 2021A1220300136; 138

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SC Court of Appeals

CLERK OF COURT
SEP 02 2025
PM 3:17

THIS MATTER comes before the Court pursuant to the Defendant's Motion asserting Statutory Immunity from Prosecution for his charges. The Defendant was indicted for Attempted Murder, Possession of a Weapon During the Commission of Violent Crime and Possession of a Firearm by Person Convicted of a Violent Crime. The Defendant's Motion asserting Immunity from Prosecution was filed on April 11, 2022, alleging that he shot Johnny Patterson (hereinafter "the victim") in self-defense on December 11, 2021. The Defendant's motion was based on the Protection of Persons and Property Act (hereinafter "the Act"), § 16-11-410, et. seq., of the South Carolina Code of Laws. The Defendant admitted he shot the victim, but asserts that his actions were justified, and that he was entitled to immunity from prosecution pursuant to § 16-11-440(C) and 450 of the Act. The State and Defense agreed that the Defense had the burden of proof by a preponderance of the evidence during an evidentiary hearing before this Court to determine if Defendant was entitled to Immunity under the law. State v. Duncan, 392 S.C. 404, 411 709 S.E.2d 662, 665 (S.C. 2011).

STATEMENT OF THE CASE

On December 23, 2021, Defendant Charles Boulware (hereinafter Defendant) was arrested for Attempted Murder (Warrant Number 2021A1220300136); and Possession of a

Weapon during Commission of a violent crime, (Warrant number **2021A1220300138**), and Possession of a Weapon by a Convicted Violent Felon (Warrant Number **2021A1220300139**).

The undisputed facts of the case are that on December 11, 2021, the victim [REDACTED] (hereinafter Victim) was in the city of Great Falls and driving to meet up with a relative to see about getting his car washed and detailed before going out of town with family. He drove to 126 Washington Street and pulled his vehicle into an open lot at 125 Washington Street, where locals often gather and “hangout” in that area. When the Victim got out of his car to talk to some individuals who were there, the Defendant was also present on that same open lot and sitting in his truck. The facts of what occurred next was provided by multiple witnesses’ testimony, the Defendant both from the day of the shooting via BWC footage of his post Miranda statements and his testimony during the immunity hearing, law enforcement witness testimony, medical records submitted through stipulation of the parties, and physical evidence from the day of the shooting.

The background information was important to understand the parties in this case. The Defendant is the father-in-law of the Victim. The Victim is married to [REDACTED], the daughter of Defendant. Both the Defendant and Victim have criminal records; however, the Defendant has a conviction for a violent felony which prohibits him from possessing any firearms and/or ammunition pursuant to S.C. Code Section 16-1-60. The Defendant was convicted of Trafficking in Cocaine under S.C. Statute Section 44-53-370(e)(2) on May 11, 1990, and this conviction has not been expunged, pardoned, or otherwise removed from his criminal record.

The State and Defense called several witnesses during the evidentiary hearing over multiple days providing direct testimony and evidence in the case. Defendant did testify at the

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hearing and admitted he shot the Victim in self-defense. Defendant testified that on the morning of December 11, 2021, he was in the vacant lot sitting in his truck with a passenger, [REDACTED]. [REDACTED] testified during the hearing that he knows the Victim and the Defendant because they all live in Great Falls and “hang out” on Washington Street. [REDACTED] also testified that the Victim is known to carry a gun. On the morning of the shooting, Victim pulled up in his vehicle playing his music really loud and Defendant’s truck was backed into that same vacant lot with the Defendant in the driver’s seat and [REDACTED] in the passenger seat. Victim got out of his vehicle and as he was walking by Defendant who was still seated in his truck along with Mack he started talking trash to him. The Defendant responded by saying things like “man leave me alone” and tried to ignore him. The Victim kept cursing and finally the Defendant told him to leave him alone and “go play with yourself.” [REDACTED] testified at that moment the Victim said, “I’m going to beat your ass” and started moving in an aggressive manner towards the Defendant who was still seated in his truck. (Transcript page 36) [REDACTED], a witness who was not available to testify at the hearing, was sitting close by, and he saw what was happening. According to [REDACTED] he got up to try and stop the Victim. The Victim then threw [REDACTED] out of the way and into Defendant’s truck. When this happened, [REDACTED] jumped out of the Defendant’s truck and ran across the road and hid behind the tire of a school bus because he said the Victim looked like he had a demon in him as he grabbed the door handle of Defendant’s truck to open it (Transcript page 37) [REDACTED] stated he squatted down and did not see what happened but heard “pow pow pow.” (Transcript page 38) [REDACTED] heard the gunshots; however, he did not see the Defendant actually shoot Victim.

On cross examination [REDACTED] admitted on the day of the shooting he did not see the Victim with a gun or a knife when he approached the Defendant. He also admitted when asked whether

or not he had seen Boulware (the Defendant) with a gun before, he said "Yes. I done seen him with one before." (Transcript page 81) [REDACTED] also admitted after Defendant fled the scene and law enforcement showed up that he did not speak to the officers or provide any statements about what he witnessed that day. He further admitted that despite being asked by law enforcement if he was present and could tell them what he witnessed happened, he did not give a statement. [REDACTED] admitted he did not give a statement until he came to court for the immunity hearing pursuant to a subpoena - three (3) years after the shooting. (Transcript page 77).

[REDACTED] was also present on the day of the shooting and was seen in the BWC footage after the Defendant shot Victim. By the time the immunity hearing was held, Mr. [REDACTED] was deceased. Prior to his death and without any knowledge by the State, he provided an affidavit to Defendant's investigator Pete Skidmore to memorialize what he witnessed on December 11, 2021. The State objected on several grounds that it was inadmissible hearsay and that the Defense failed to provide reciprocal discovery. The Court allowed Defense counsel to proffer the testimony of Pete Skidmore in an attempt to enter this affidavit as a testimonial statement for purposes of the hearing. The State objected to the introduction of this statement and after hearing arguments by both parties, the Court ruled that the affidavit was testimonial, and being admitted for the truth of the matter asserted, and the witness was unavailable for cross examination, therefore, did not meet any hearsay exceptions to the rules of evidence and was inadmissible.

The Defendant testified on his own behalf at the hearing. The Defendant, at the request of his attorney, demonstrated in court as to how he shot victim. The Defendant stated he struggled with Victim while he was still seated in the driver's seat of his truck. He then said he shot Victim while being attacked. The Defendant fled in his truck from the scene of the

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shooting and did not call 911 or any law enforcement to report the incident. Law enforcement was able to determine who shot Victim by speaking with some witnesses on the scene who gave a description of the truck he was driving. Defendant was located at his mother's house in Great Falls at [REDACTED]. Upon arrival by law enforcement, the Defendant was read his Miranda rights and his truck, which was on scene, was secured for processing by SLED. While in custody and post-Miranda, the Defendant did make a statement against interest to former Chief Vinson on body worn camera regarding the shooting of the Victim. Chief Vinson advised the Defendant that they were going to conduct a gunshot residue test on his hands. The Defendant admitted that was not necessary because he shot him. The Defendant then continued to make statements against his interest in the shooting and said to Chief Vinson on BWC, "you know what? I shot him...I did, and you know what else...I hope the mother fucker dies." During cross-examination of the Defendant by the State, he was shown portions of his recorded BWC statement. When pressed on cross-examination about what he said right after the shooting, he could not explain why he did not tell law enforcement that he was fearful of the Victim or that felt he was in danger of losing his life when he shot Victim. Law enforcement testified the Defendant did not have injuries from an assault as alleged by Defendant when he claimed Victim came after him. The Defendant was also questioned about the gun he used to shoot the Victim with that morning. He told law enforcement he threw it into the river. Defendant was taken to the bridge off of U.S. 21 to find the gun, however, no one was able to locate the gun he used.

The Defense rested its case. The State called several witnesses to the stand to testify regarding the issue of self-defense and/or claim of immunity by the Defense. State first called Scott Morris, EMT with the Chester County Emergency Management response team who saw Victim minutes after the shooting and documented the event. He testified he was first on the

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scene to see the Victim and assess his condition and possible injuries. Morris found Victim lying supine on the ground. His colleague was present and assisted with the medical response. Morris did observe the surroundings in order to determine the safety of himself and first responders since he was learning through law enforcement there was a shooting. He checked and confirmed no weapons were around or on the victim. (Transcript page 6). Morris then assisted with stabilizing Victim and determining where the wound was in order to control bleeding. He assisted Danielle Barn, who dressed the Victim's wound, and confirmed he had one injury where blood was exiting his head and it was a gunshot wound to the back of his head. During direct testimony and after being cross-examined by the defense, EMT Morris confirmed the Victim was confused and "bleeding from the back of his head." He determined Victim was a level 1 trauma patient, therefore, he was airlifted to the hospital based on his life-threatening injury.

Victim arrived at Carolina's Medical Center (CMC) in Charlotte, North Carolina, at 5:49 p.m. and was admitted for emergency surgery. The medical records for Victim's treatment were admitted into evidence and stipulated to by the defense for purposes of this immunity hearing. The hospital admission records documented on page four (4) reflect he was indicated with a "gunshot wound and brain coming from the left posterior wound." In medical terms, when a doctor refers to the left posterior of a person's head this means a wound located on the back of the head, and specifically on the left side. This was the indication and diagnosis from Dr. Sarah Jernigan who was the on-call surgeon working under Dr. Rita Brintzenhoff on the day of the surgery. The surgery was for an emergent decompressive craniectomy. Victim survived the procedure and was discharged from CMC on January 26, 2022, however, he suffered from significant brain trauma resulting in memory loss, loss of cognitive function, seizures, etc.

The State then followed up with additional crime scene witnesses and law enforcement officers who handled the scene and interviewing of the Defendant and witnesses. SLED Crime Scene investigator Gabriel Denizard arrived on scene to process Defendant's truck for evidence. He testified he confirmed the truck was not contaminated or searched prior to his involvement. The truck was towed to a secure location to avoid a potential weather situation. While taking pictures of the truck and looking inside the truck, he saw two reddish brown spots that he tested for possible blood. He did not find any blood or suspected blood anywhere else in the Defendant's truck. One of the reddish-brown spots was on the front console and one was a stain on a jacket in the back seat of the truck. Agent Denizard explained that he uses the substance "phenol" as a presumptive test to determine if blood was present. The phenol test was negative for blood. (Transcript page 183). He learned from speaking with Chief Jeremy Vinson that Defendant may have shot his gun while he was still seated in the truck. Based on this information, Agent Denizard believed a gunshot residue kit was appropriate and he swabbed the steering wheel, gear shift and interior doors of the truck to have it tested for the presence of gunshot residue (GSR). (Transcript page 185).

Agent Megan Fletcher was called to testify as a trace evidence expert regarding the GSR kits done by Agent Denizard and submitted for testing in this case. There were three GSR kits she tested. One was the Defendant's hands, one from inside the truck from the interior driver and passenger door, and the third one from the steering wheel and gear shift. Agent Fletcher confirmed that the Defendant's hands were positive for the presence of GSR. Agent Fletcher further confirmed that the areas tested in GSR kits 2 and 3, which came from inside the truck, also tested positive for the presence of GSR.

Chief Jeremy Vinson testified on behalf of the State. He stated he arrived at Washington

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Street where the Victim was shot. He spoke with Investigator Michael Dean from Chester County Sheriff's Office who pointed out blood droplets leading away from a location where Defendant's truck was at the time of the shooting up to the front of the bush where Victim was located on the ground when EMS treated him. Chief Vinson stated this was the only trail of blood in the area and it led to the pool of blood that came from the Victim's head as a result of the gunshot wound that day. Chief Vinson then testified he received a call that the Defendant was detained so he left and drove to that location. When he arrived, Defendant was already under Miranda and was talking to law enforcement. Chief Vinson spoke with the Defendant and Defendant made several statements against interest regarding the shooting. Defendant asked Chief Vinson to "tell me some good news...Did he die?" (Transcript page 28) While discussing the condition of Victim with the Defendant, Chief Vinson stated Defendant never said he was afraid of the Victim or that he felt he had to shoot him in order to protect himself. Chief Vinson then explained that he needed to submit to a GSR test and Defendant told him they didn't have to do that because he shot him. He then said, "I hope the motherfucker dies." (Transcript page 48)

At the conclusion of the testimony and submission of evidence in the case by both the State and the Defense, the Court took the matter under advisement to review the case.

APPLICATION OF THE LAW TO FACTS

In *State v. Curry*, 406 S.C. 364, 752 S.E.2d 263 (2013), our Supreme Court ruled that when reviewing whether a defendant should be granted immunity under subsection (C), the trial court "must necessarily consider the elements of self-defense...this includes all elements of self-defense, save the duty to retreat." *Id.* at 368, 752 S.E.2d 372. In *State v. Glenn*, 429 S.C. 108, 838 S.E.2d 491 (S.C. 2019) the Supreme Court further reiterated the rule of law under subsection (C) when a Defendant and victim are in a place where they have a right to be. This Court must, therefore,

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analyze whether Defendant has proven by a preponderance of the evidence that the Defendant acted in self-defense when he shot the unarmed Victim in the back of the head. Self-defense requires that the Defendant:

- 1) be without fault in bringing on the difficulty;
- 2) be in actual imminent danger of losing his life or sustaining serious bodily injury, or have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury;
- 3) show that a reasonably prudent person of ordinary firmness and courage would have entertained the same belief and would have struck the fatal blow in order to save himself from serious bodily harm or the loss of his life; and
- 4) have no other probable means of avoiding the danger.

The Defendant and Victim both had a right to be present at the empty lot in Great Falls on the morning of December 23, 2021. There was conflicting testimony during the hearing as to who was at fault in bringing on the difficulty that led to the shooting, however, there was testimony by Mack that Victim was the aggressor on that day. However, Mack also testified the Victim was not carrying a firearm or weapon when he "trash" talked to the Defendant. Also, the Defendant is a convicted violent felon and is prohibited from carrying a firearm so he was not supposed to be armed. The Court does find the Victim was the aggressor, however, the Court cannot conclusively find that the Defendant was not also at fault for carrying a firearm and using it to shoot Victim on that morning. The Court then moves on to analyze and weigh the evidence as to the other factors. Defendant's own statements to law enforcement on the day of the shooting failed to support the elements required in subsection (2). The Defendant had the burden of proof to show he had a fear of imminent danger of losing his life and/or sustaining serious bodily injury. The Defendant never asserted he feared for his life or feared serious bodily injury when questioned by law enforcement right after the shooting. He never said he was afraid of the Victim, and this was why he decided he had no choice but to use deadly force to protect himself. Instead, his actions and statements after the shooting reflected a remorseless state of mind and

ill-will towards the Victim when he said to multiple law enforcement officers, "I hope the mother fucker dies"... and "tell me some good news...is he dead?"

The record does not support the requirement of subsection (3) that Defendant acted as a reasonably prudent person when he shot Victim. The Court finds the eyewitness, Treston Mack, jumped out of the truck at the critical moment when the Victim reached for the driver's side door. Mack testified he ran and hid behind a bus tire and did not see what happened. He stated he heard "pop pop pop." The only testimony that actually described what happened next was from the Defendant. He stated Victim attacked him while he sat in the driver's seat and while struggling with the Victim he shot him. However, the medical and physical evidence do not support this version of the facts. There was no blood found on the driver's side door or the seat to support Defendant's story that he shot Victim while he was being attacked inside the door of the truck and [REDACTED] as the independent third-party witness did not see the shooting take place. Furthermore, the medical evidence in the record clearly supported the Victim was facing away from the Defendant when he was shot in the left posterior (back) of the head. The medical evidence and the blood trail leading away from the Defendant's truck leads the Court to conclude the Victim was retreating from the Defendant when he was shot.

FINDINGS OF FACT

1. I find the Defendant after a post-Miranda interview admitted he shot the Victim and hope he would die. He further admitted that he did not see a weapon on the Victim before or during the shooting. The Defendant admitted he fled from the scene of the shooting and intentionally threw the gun he used to shoot Victim into the river. The Defendant admitted he never told law enforcement on the day of the shooting that he felt threatened by the Victim or that he was acting in self-defense. The Defendant's

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claim that he felt threatened with death or great bodily injury was not supported by the Defendant's own admissions, actions, and physical evidence surrounding the shooting.

2. I find the Victim was the aggressor on the day of the shooting when he encountered the Defendant. He was the one who "trash" talked the Defendant while Defendant was seated in his truck with witness [REDACTED]. The Defendant also made a comment in response to the Victim that resulted in the Victim running up to the truck and pulling on the door handle in what appeared to be an effort to fight with the Defendant. However, [REDACTED] jumped out of the truck and did not witness what happened next.
3. I find the Defendant's witness [REDACTED] failed to provide critical testimony to support Defendant's claim for self-defense. Mack was present at the time of the shooting; however, he testified that he jumped out of the Defendant's truck and hid out of sight and did not actually see or witness the shooting of the Victim. Therefore, the only witness who could support the Defendant's claim to self-defense – other than the Defendant - failed to see the critical moments resulting in the shooting. [REDACTED] did testify that he did not see the Victim with a weapon that morning.
4. The physical evidence presented at the hearing failed to support Defendant's claim that he was sitting in his truck when he was "attacked" by Victim and that he was acting in self-defense on the day he shot Victim. Witness EMT Morris stated Victim was lying on his back bleeding from the back of his head when he arrived on scene. There was no weapon found on or around Victim while he was being treated for his gunshot wound. SLED Agent Denizard's testimony confirmed there was no blood

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inside Defendant's truck, on the driver's door or in a place where Defendant claimed he shot Victim while Victim was attacking him in the truck. If Defendant's version of the shooting was accurate the presence of blood should have been found. Chief Vinson testified and confirmed there was a trail of blood leading away from the location of Defendant's truck to the location where Victim was found on the ground. I find all of this evidence is proof the Victim running or walking away from the Defendant at the time he was shot.

5. I find the medical evidence confirmed the Victim was shot in the back of the head by the Defendant. This was supported by testimony of EMT Morris who arrived on the scene and treated the Victim for a gunshot wound to the back of his head. I further find the most compelling and conclusive evidence that this was not an act of self-defense were the Victim's medical records from admission to CMC hospital. He and underwent brain surgery for his gunshot wound. The medical records clearly documented the Victim was shot in the back of his head by using the medical terminology "gunshot wound and brain coming from the left posterior" of his skull. Both the testimony of EMT Morris and the surgeon's indication of injuries requiring an emergency craniectomy supported the conclusion that Defendant shot the Victim as he was facing away from the Defendant or moving away from him.

CONCLUSIONS OF LAW

The Defendant has failed to meet his burden of proof by a preponderance of the evidence that he is entitled to immunity under S.C. Code § 16-11-440(C), known as the "Stand Your Ground" provision of the Act. The Defendant failed to show he was in fear for his life or the threat of serious bodily injury by the Victim when he shot him in the back of the head. The

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evidence supported the Victim was in retreat or facing away from the Defendant when he was shot, therefore, the Defendant would not be in imminent peril or in danger of serious bodily injury or death based on the facts and testimony presented.

The Defendant failed to meet his burden of proof, preponderance of the evidence, that it was reasonable for him to use deadly force to prevent death or serious bodily injury at the time he shot the victim in the back of the head and the Victim was unarmed. (See, State v. Manning, 418 S.C. 38, 791 S.E. 2d 148 (2016), the Supreme Court stated that the trial judge did not abuse its discretion by denying the defendant immunity under § 16-11-440(C) when he shot an unarmed victim, even though he claimed he shot the victim during a heated argument wherein she came at him, pivoted, and he shot her without seeing where the bullet went. *Id.* at 42, 791 S.E. 2d at 149; also, State v. Cervantes-Pavon (Slip Opinion 27872), while not necessarily dispositive, the question of whether the victim is armed is a relevant consideration under a Stand your Ground determination.

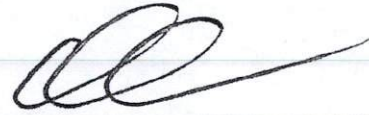
The Defendant is not entitled to immunity under the Act because he cannot prove the elements of self-defense by a preponderance of the evidence and under State v. Curry, 406 S.C. 364, 752 S.E.2d 263 (2013), the trial court “must necessarily consider the elements of self-defense...this includes all elements of self-defense, save the duty to retreat” and upon application of the law to the facts of the Defendant’s case the court does not find he acted in self-defense when he shot the Victim in the back of the head. The physical evidence supported the fact that the Victim was not attacking the Defendant inside of his truck when the shooting occurred, therefore, the Defendant was not justified in using deadly force in that moment and shooting the Victim in the back of his head.

Based upon the foregoing findings of facts and conclusions of law it is hereby

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JBA

ORDERED that Defendant Charles Boulware is denied immunity as enunciated in §16-11-450 of the Protection of Persons and Property Act.

AND IT IS SO ORDERED!



Donald Hocker
Chief Administrative Judge

Date: 7-15-25
Chester, South Carolina
Lawler

CLERK OF COURT
2025 JUL 28 PM 3:17

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