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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MATTHEW TIMOTHY MOON,

APPELLANT

APPELLATE CASE NO. 2025-000139

FINAL REPLY BRIEF OF APPELLANT

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ARGUMENT IN REPLY

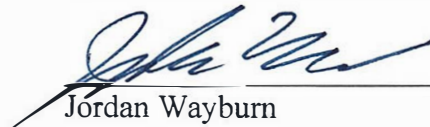
The state argues there was "overwhelming evidence that Appellant was at the scene, he used gasoline in the garage and poured it into the jeep and then ignited a fire using his lighter." Resp. Br. 10. To ensure there is no misunderstanding, appellant was acquitted of arson. R. 584:1-2. According to the jury, there was not even evidence of the state's claimed facts sufficient to convict, let alone overwhelming evidence of guilt.

As to the second issue, the state argues "the usage of illustrative examples" is never an unconstitutional comment on the facts. Resp. Br. 11. The trial court's general latitude to give explanatory examples is not under challenge. Concepts are regularly explained by way of example, and the trial court is permitted to do so. But those examples cannot be the same as the case at hand. *State v. Burdette*, 427 S.C. 490, 502, 832 S.E.2d 575, 582 (2019); *State v. Hughey*, 339 S.C. 439, 452, 529 S.E.2d 721, 728 (2000); *State v. Huckabee*, 388 S.C. 232, 244, 694 S.E.2d 781, 787 (Ct. App. 2010).

Further, the example must be used to *explain a point of law* before it is permissible. See *State v. Young*, 238 S.C. 115, 135, 119 S.E.2d 504, 514-15 (1961) (citing *Norris v. Clinkscales*, 47 S.C. 488, 25 S.E. 797, 808 (1896)). Describing a knife as a deadly weapon does not explain a point of law, it states an opinion or fact. Moreover, instructing the jury that *a* knife can be considered a deadly weapon is simply not helpful. Of course it might be. However, the jury needed to determine if *this* knife was a deadly weapon. The trial court's instruction risked the jury incorrectly believing there is an irrebuttable presumption that all knives are always deadly weapons. See 16 Corpus Juris, *Criminal Law* § 961, at 517 (1918) ("Where the character of a weapon as being deadly or not is a matter of doubt . . . the question should be left to the jury under a general instruction as to what constitutes such weapon.").

CONCLUSION

For the remaining points in dispute, appellant will rest on the arguments in his initial brief, and he respectfully requests this Court reverse his convictions.


Jordan Wayburn
Appellate Defender

ATTORNEY FOR APPELLANT

This 17th day of November, 2025.

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CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this final reply brief of appellant 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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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies true copies of the Final Reply Brief of Appellant in the above-referenced case have been served upon Ambree M. Muller, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 17th day of November, 2025.



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