

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS
Indictment Number:

The State of South Carolina,)

2007-GS-40-01576

Jonathan Aaron Davis,)

ORDER

Defendant.)

RICHLAND COUNTY
FILED
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COURT REPORTER
C.C.P., G.S., J.C.S.

This matter came before the Court on September 22, 2025, on a Motion for New Trial Based Upon After-Discovered Evidence (Motion), filed by the Defendant, Jonathan A. Davis (Davis or Defendant). Mr. Davis was represented by Laura Young and Cydney Clark, of the Richland County Public Defender’s Office. The State was represented by Deputy Solicitor Daniel Goldberg. At the conclusion of the hearing, the parties were asked to submit written arguments in support of their respective positions. ¹

On January 15, 2009, Mr. Davis pleaded guilty pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970) to the common law misdemeanor of assault and battery of a high and aggravated nature (ABHAN). ² He had originally been charged with criminal sexual conduct with a minor, first degree. Mr. Davis filed his Motion on September 18, 2018, after having received a letter written by the victim, [REDACTED] recanting the statements [REDACTED] had previously made to the State as a six-year-

¹ The Defendant filed his memorandum on October 9, 2025. The State filed its responsive memorandum on October 22, 2025.

² Under *Alford*, although a defendant does not admit guilt, he does acknowledge that based upon the evidence, a jury would likely find him guilty of the charged offense. 400 U.S. at 37-38. A guilty plea under *Alford* carries the same weight as any other kind of guilty plea. *State v. Herndon*, 403 S.C. 84, 91, 742 S.E.2d 375, 379 (The *Alford* plea is, in essence, a guilty plea and carries with it the same penalties and punishments). Mr. Davis pled as part of a negotiated offer from the State and was sentenced to 10 years’ incarceration, suspended to 5 years’ probation, and was required to be included on the sexual registry.

old child. [REDACTED] allegations that the Defendant committed criminal sexual conduct formed the basis for Mr. Davis' plea in 2009. Now an adult, [REDACTED] followed his letter with an affidavit, dated October 7, 2017, which, in pertinent part, stated that "Jonathan Aaron Davis did not commit any crime or harm against me which I was a child. I was told to lie that he did. I pray that all crimes be removed from his record and . . . that he is innocent." (hereinafter "letter/affidavit"). During the hearing on its Motion, the Defense presented testimony from [REDACTED] Luke Shealy, Esquire, the Defendant's attorney at the time of the 2009 plea and Mr. Davis.

Mr. Davis asserts that the victim's recantation is after-discovered evidence warranting a new trial as contemplated by *Jamison v. State*, 410 S.C. 456, 765 S.E.2d 123 (2014). Under *Jamison*, which addressed after-discovered evidence following a guilty plea in the context of the defendant's petition for post-conviction relief (PCR), the grant of a new trial requires that the after-discovered evidence must be (1) discovered after the entry of the plea and [was] unable to be discovered beforehand and (2) it must be of such a weight that it is in the "interest of justice" that the plea be vacated. *Jamison v. State*, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014). To the contrary, the State argues that the proper standard for evaluation of whether Mr. Davis should be granted a new trial is found in *State v. Prince*, 316 S.C. 57, 447 S.E.2d 177 (1993).³ *Prince* requires that a defendant show that the after-discovered evidence:

³ The State argues that the *Jamison* standard is not applicable because that case was decided in the context of a PCR hearing, a circumstance not present here. In fact, the *Jamison* Court prefaced its ruling by observing: "[g]uided by the language of Section 17-27-20(A)(4) of the PCR Act, we hold that when a PCR application seeks relief on the basis of newly discovered evidence following a guilty plea, relief is only appropriate where the applicant presents evidence showing..." Given the language of section 17-27-20(4) - "that there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice" - and considering that Mr. Davis filed a PCR application that was denied some years ago, this Court is not certain whether the interests of justice actually would preclude application of the *Jamison* standard here. Nevertheless, given its determination, this Court need not definitively decide whether *Jamison* can be made applicable in the instant situation

1. will probably change the result if a new trial is granted;
2. has been discovered since trial;
3. could not have been discovered before the trial by the exercise of due diligence;
4. is material to the issue; and
5. is not merely cumulative or impeaching.

State v. Prince, 316 S.C. 57, 69, 447 S.E.2d 177, 184 (1993) (citing *State v. Ford*, 301 S.C. 485, 392 S.E.2d 781 (1990)).

No matter the phraseology, central to the inquiry under both *Jamison* and *Prince* is whether the “newly discovered” evidence was “discovered after the entry of the plea and unable to be discovered beforehand.” *Prince* simply restates these same inquiries as whether the evidence “has been discovered after trial” and “could not have been discovered before trial by the exercise of due diligence.” Implicit in *Jamison*’s requirement that the evidence must have been “unable to be discovered beforehand” is the condition that a diligent and searching inquiry for such material evidence was undertaken. Here, even if the Court assumes that [REDACTED] testimony is credible and free from any undue influence of Mr. Davis, the Court does not find that [REDACTED] statements constitute “after discovered” evidence within the meaning of applicable precedent.

During the initial proceedings in the case, a copy of a handwritten note authored by then-six-year-old [REDACTED] was disclosed to defense counsel in discovery prior to the Defendant making the decision to plead. That note, written in a child’s handwriting, with a date of “4-7-07”, stated “John, I know you dint [sic] touched me. Tonya told me to say it. I love you.” The note contains a signature [REDACTED] with a drawing of a person named “John.”

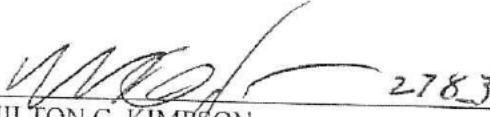
Based on the evidence, the Court reaches the following findings of fact and

conclusions of law:

1. In the first note, dated April 7, 2007, the 6-year-old witness recanted his statement that Davis abused him;
2. The April 7, 2007 note was produced to the Defendant during discovery such that the Defendant had the victim's recantation in his possession with the opportunity to review and evaluate its significance prior to making the decision to enter the *Alford* plea. Despite the recantation, the Defendant made the decision to plead as part of a negotiated offer from the State to ABHAN and was sentenced to 10 years' incarceration suspended upon 5 years' probation.
3. The victim's subsequent letter and follow-up affidavit received in 2018, while "discovered after the entry of the plea" in terms of the formality of this information, does not constitute evidence "discovered after the entry of the plea" in terms of content and substance. The victim's April 7, 2007 note and the victim's subsequent 2017 letter/ affidavit are consistent and assert that the Defendant did not commit any crimes. Further, because the Defendant possessed the April 7, 2007 note prior to his plea, the subsequent 2017 letter/affidavit information fails the important requirement that the evidence was "unable to be discovered" before Mr. Davis' plea. This conclusion is the same even using the *Prince* analysis.
4. The Court has evaluated the Defense's arguments that [REDACTED] was a minor at the time the initial handwritten note was produced in discovery and that it had no real access to [REDACTED] for the purposes of questioning him to verify the statement until he became an adult. The Court disagrees that the hinderances to access described by the Defense support a finding

that this evidence was “unable to be discovered beforehand.” The Defendant had the recantation statement prior to the plea, albeit in a much less polished form. While it understands that after the victim became an adult, the Defendant’s access to this witness became unfettered and less burdensome, the Court disagrees with the premise that whatever access restrictions to the victim prior to the Defendant’s plea support a finding that this evidence was unable to be “discovered beforehand.” During the hearing on the Motion, the Defense presented no evidence of denied attempts to question the child witness about the recantation or evidence that the State rejected the Defense’s requests to conduct additional investigation of the child concerning the statement. ⁴

Accordingly, the Defendant’s Motion for New Trial is DENIED.


MILTON G. KIMPSON
PRESIDING JUDGE
FIFTH JUDICIAL CIRCUIT

Nov. 20, 2025

Columbia, South Carolina

⁴ The Defendant’s memorandum points to Mr. Shealey’s testimony during the Motion hearing that the assistant solicitor at the time of the 2009 plea “gave the note little weight and doubted its authenticity”. Although evidence of recanted statements by witnesses is often looked at with suspicion, *State v. Porter*, 269 S.C. 618, 621, 239 S.E.2d 641, 643 (1977), this Court disagrees with the State’s position that this evidence was not potentially material and would have had little effect on the outcome of a trial. Instead, the Court believes the first [REDACTED] note recanting his identification of Mr. Davis as a perpetrator was both substantive and material. Unfortunately, under the circumstances here, the Court is unable to reach a determination that the later recantations by an adult [REDACTED] constitute “after-discovered evidence” “unable to be discovered beforehand” under either *Jamison* or *Prince*.