

RECEIVED

MAR 02 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS SOUTH CAROLINA
APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas
Case Number: 2023-CP-23-0273
Jahru Smith,
Plaintiff-Appellant,
v.
State of South Carolina
Defendant-Respondent.

NOTICE OF APPEAL

TO: Kayee C Kemp, Esq
1000 Assembly Street
Columbia, SC 29211
AND TO: The Clerk of Court, Greenville County

NOTICE IS HEREBY GIVEN that **Jahru Smith**, Plaintiff-Appellant, intends to, and does hereby, appeal to the South Carolina Court of Appeals from the **Order** of the Honorable **J. Derham Cole**, Circuit Court Judge, dated **Attached Exhibit A herein**, which was entered in the Office of the Clerk of Court for Greenville County on

Appellant received written notice of entry of this Order/Judgment on October 20, 2025 which must be no more than 30 days prior to the date of service of this Notice of Appeal, as required by **SCACR Rule 203(b)(1)**.

The Order/Judgment being appealed is the final order in this action, and the appeal is taken from the entire Order/Judgment or specifically from the **Claim: Denial of Due Process and Right to Fair Trial Based on Incomplete Discovery of Exculpatory Evidence**

The trial court erred and violated the **Plaintiff's right to Due Process** and a **fair trial** by failing to ensure the production and presentation of the **complete video evidence** recorded at the time of the Plaintiff's arrest. This error directly prejudiced the defense by preventing the jury from considering **exculpatory evidence**—specifically, the Plaintiff's full statement concerning **self-defense** that was contained in the latter half of the video.

The State's presentation of only a partial video tape at trial, which **omitted the Plaintiff's statement supporting the self-defense assertion**, constitutes a **Brady violation** and/or a fundamental denial of discovery. Had the jury been provided the **full context** of the Plaintiff's immediate, on-scene statement, there is a reasonable probability that:

- The jury would have found credible support for the defense's assertion of self-defense.
- The State's failure to disprove self-defense would have led to an acquittal, or
- The jury would have returned a verdict on a lesser-included offense, such as **manslaughter**, resulting in a different and more favorable outcome for the Plaintiff.

The court's failure to compel the production of the complete video at the PCR hearing perpetuates this constitutional error and necessitates a remand for a new trial.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

Jahru SMITH, SCDCID #375721

Applicant,

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED** (CHECK REASON): Rule 12(b), SCRCP; Rule 41(a),

SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled); **APPLICATION WITHDRAWN BY APPLICANT.**

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

This matter came before the Court pursuant to an order to show cause why the applicant in this Post-Conviction Relief matter, Jahru H. Smith (hereinafter, "Applicant") should be allowed to engage in permissive discovery in the above-captioned matter.

S.C. Code Ann. §17-27-150(A) provides, in pertinent part, "A party in a noncapital post-conviction relief proceeding shall be entitled to invoke the processes of discovery available under the South Carolina Rules of Civil Procedure if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise."

This Court finds that Applicant has failed to show good cause why leave for him to conduct discovery should be granted and therefore his request to conduct discovery in the above-captioned action is **DENIED**.

Applicant has filed a list of potential witnesses he would like to depose, but did not articulate what he believes those witnesses would say. Furthermore, at least one of the witnesses he apparently seeks to depose testified at trial. Presumably these witnesses, if helpful to Applicant, would be available to testify at any evidentiary hearing on the merits of this matter. Applicant also references a video in which he made incriminating statements to a news reporter. This video is part of the record of the trial underlying this matter. This Court is not persuaded that Applicant has shown good cause to conduct additional discovery regarding this video or any other matter relating to his application.

The above-captioned matter is hereby **ORDERED** to proceed to an evidentiary hearing on the merits of Applicant's Post-Conviction Relief application.

IT IS FURTHER ORDERED, that the State, through the Office of the Attorney General, furnish to Applicant a complete copy of its Return to Applicant's application with supporting materials, to ensure he has a complete copy to prepare for his evidentiary hearing.

JUDGMENT IN A CIVIL CASE - PCR

CASE NO. 2023-CP-23-0273

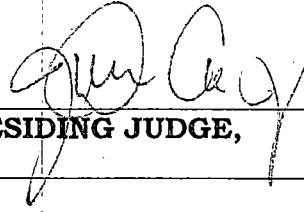
The STATE of South Carolina,

S.C. SUPREME COURT
Respondent.

RECEIVED

MAR 02 2026

Dated at Greenville, South Carolina, this **9th** day of **October, 2025**.



PRESIDING JUDGE, J. Derham Cole, Jr.

This judgment was entered on the 15th day of October, **2025**, and a copy mailed first class this 15th day of October, **2025** to attorneys of record or to parties (when appearing pro se) as follows:

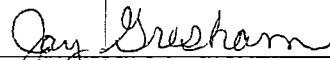
Pro Se

ATTORNEY(S) FOR THE APPLICANT

Kaylee C. Kemp, Esq.
S.C. Attorney General's Office
1000 Assembly Street
PO Box 11549
Columbia, SC 29211

Sydney N. Willingham, Esq.
S.C. Attorney General's Office
1000 Assembly Street
PO Box 11549
Columbia, SC 29211

ATTORNEY(S) FOR THE RESPONDENT



Jay Gresham, CLERK OF COURT
