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**Apr 01 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Dorchester County

Honorable Heath P. Taylor, Circuit Court Judge

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Unpublished Opinion No. 2026-UP-131  
Heard February 12, 2026-Filed March 18, 2026

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THE STATE,

RESPONDENT,

V.

JASON BARRY BELL,

APPELLANT

APPELLATE CASE NO. 2023-001326

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PETITION FOR REHEARING

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Pursuant to Rule 221(a), SCACR, appellant Jason Barry Bell requests that this Court grant rehearing on all three issues on appeal. As to Issue One, this Court erred in requiring appellant to show heat of passion and legal provocation. The statute simply defines voluntary manslaughter as an unlawful killing without malice. S.C. Code Ann. § 16-3-50. Appellant asserted he killed his father as an act of mercy. Viewing the facts in the light most favorable to appellant, his actions lacked malice and fit the wording of the statute. A reasonable jury could

have convicted appellant of the lesser offense, therefore this Court should grant rehearing and reverse.

As to Issue Two, nothing in the call supports that it was relevant to motive and therefore it was inadmissible as a prior bad act and unfairly prejudicial. This Court held that his rudeness to his mother was probative of motive by stating that appellant's relationship with his parents was at issue. However, this showed his relationship with his mother, not his father—and that was the relationship that was at issue. Lumping the parents together to analyze the probative value and relevance was incorrect. Whether appellant was mean to his mother on the phone call was not relevant to motive, but was unfairly prejudicial in showing rudeness to a highly sympathetic State's witness.

The jail call is approximately six minutes long. State's Ex. 92. Jason tells his mother he got a letter that she had been appointed the personal representative of his father's estate. He asks if that meant he had been left something in the will. His mother replied that everything was left to her. Jason responds, "That's what I thought. Did not know if it was part of the legalese that he had to send something to me. I thought me and him had talked about it. Nothing coming to me." State's Ex. 92.

The rest of the call concerns getting money from his mother for the canteen at the jail. This discussion starts off polite. Jason's mother says she does not know how to put money on the canteen. Jason continues to press her and offers the name of someone who can help. He becomes exasperated and calls her by her first name. He accuses her that she told him she was going to put money on his account three weeks ago. State's Ex. 92.

His mother curtly replies, “I haven’t told you anything because I’m not promising you anything.” Jason responds, “Well then I promise you right now that this will be the last time I call.” Rose says, “Okay. Fine.” The call ends. State’s Ex. 92.

Defense counsel argued that nothing in the call about the will showed any temporal connection to the killing. R. 56-57. The call only showed Jason manipulating his mother to get canteen money, which was bad character. R. 57-58. Appellant argued this was irrelevant and violated Rule 403. R. 57-58. The judge ruled it was admissible and did not violate Rule 403. R. 60.

Rule 404 prohibits bad character evidence. Rule 404(a), SCRE. The State sought admission of this jail call to show that Jason manipulated his mother and was mean to her. The State’s shaky reasoning then would find that if Jason was mean to his mother, then he was mean to his father and must have killed him. As defense counsel correctly argued, there was no temporal connection to the killing. In order to be admissible, bad character evidence must have some logical connection to the crime. State v. Perry, 430 S.C. 24, 842 S.E.2d 654 (2020); State v. Lyle, 125 S.C. 406, 118 S.E. 803 (1923). The solicitor argued the call showed that Jason “thought he was getting money and he wanted to confirm it.” R. 55. Nothing in the call supports this argument. No logical connection existed and this evidence only served to parade Jason’s meanness to his mother before the jury.

Rule 403 prohibits the admission of evidence when its unfair prejudice outweighs its probative value. Rule 403, SCRE. The evidence here had zero probative value. As the solicitor candidly stated, the unfair prejudice was that Jason was mean to his elderly mother who had lost her husband of over fifty years. No jurors—especially South Carolina jurors—take kindly to sons disrespecting their grieving elderly mother. In this close case with shaky evidence of

malice, the improper admission of this bad character evidence cannot be harmless and rehearing should be granted and the case reversed.

As to Issue Three, the erroneously admitted toxicology report cannot be harmless. Without the admission of the toxicology report, the jury would need to assess the credibility of the State's witnesses versus Jason's statement that his father was in pain. That point would become a credibility contest and fall within the jury's purview. Furthermore, the fact that Jim's doctor testified he did not prescribe pain medication does not mean Jim could not have obtained pain medication in some other way. Illegally obtained opioids have long been a problem in South Carolina. See, e.g., State v. Miles, 421 S.C. 154, 805 S.E.2d 204 (Ct. App. 2017) (affirming conviction of defendant for trafficking oxycodone in case where he had drugs delivered to his apartment by Federal Express). The toxicology report was evidence of a different kind and character than the testimony by the doctor or Jim's friends that he was not in pain. The admission of the report cannot be harmless beyond a reasonable doubt and this Court should grant rehearing and reverse.



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David Alexander  
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ATTORNEY FOR APPELLANT

This 1st day of April, 2026.

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APPELLATE CASE NO. 2023-001326

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition for Rehearing in the above-referenced case has been served upon R. Brandon Larrabee, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Jason Barry Bell, #391707, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 1st day of April, 2026.



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ATTORNEY FOR APPELLANT

**Bast, Daniel**

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**From:** Bast, Daniel  
**Sent:** Wednesday, April 1, 2026 12:26 PM  
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**Cc:** Alexander, David; DDAlessio@scag.gov  
**Subject:** 2023-001326 - The State v. Jason Berry Bell  
**Attachments:** 2023-001326 - The State v. Jason Berry Bell - Petition for Rehearing.pdf

Good afternoon,

Attached is a copy of the Petition for Rehearing in the above referenced case which will be filed today, April 1, 2026, with the Court of Appeals.

All the best,

Daniel Bast  
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