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**Apr 15 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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ON APPEAL FROM ALLENDALE COUNTY  
In the Court of General Sessions

The Hon. Carmen Mullen, Circuit Court Judge

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Indict. No.  
2024-GS-03-0177  
2024-GS-03-0178

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**THE STATE OF SOUTH CAROLINA,  
Respondent**

-v-

**XAVIER BADGER,  
Defendant Appellant**

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**EXPLANATION OR GROUNDS FOR APPEAL  
PURSUANT TO R. 203(d)(1)(B)(iv), SCACR**

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**THIS MATTER COMES NOW** before this Honorable Court on appeal of the sentences imposed by the Hon. Carmen Mullen of the Allendale County Court of General Sessions as to the following questions of law following the sentencing of the Defendant Appellant.

On or about April 14, 2026 a trial jury of the Allendale County Court of General Sessions found the Defendant Appellant guilty of Assault and Battery of a High and Aggravated Nature (ABHAN), and Possession of a Weapon During a Violent Crime. On or about April 14, 2025 the Hon. Carmen Mullen held a sentencing hearing in the aforecaptioned matter, and sentenced the Defendant Appellant to five (5) years

incarceration at the South Carolina Dept. of Corrections on the count of Possession of a Weapon During a Violent Crime, and ten (10) years incarceration at the South Carolina Dept. of Corrections on the count of ABHAN. The sentences were further ordered to be served concurrently. During the course of the trial and/or sentencing Judge Mullen overruled trial counsel's objections, but did take judicial notice of the objections and noted them made and appropriately raised and registered on the record, and therefore those issues are preserved for appeal before this Honorable Court.

### **QUESTIONS PRESENTED**

1. Did Judge Mullen err in failing to sustain any of trial counsel's objections as to evidence, proceedings, or motions?
2. Did Judge Mullen err in failing to declare a mistrial when the empaneled jury failed to return a unanimous verdict as to the count of Attempted Murder prior to reaching a verdict as to ABHAN?
3. Did Judge Mullen err in failing to declare a mistrial when the jury returned a non-unanimous verdict as to ABHAN, prior to the Court then directing the jury to return to its chambers to resume deliberations?
4. Did Judge Mullen err in failing to charge the jury pursuant to Allen v. United States (the "Allen Charge") prior to directing the jury to return to its chambers to resume deliberation, or at the time the Court became aware of a non-unanimous verdict as to Attempted Murder?

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VERY RESPECTFULLY SUBMITTED,

//S// JONATHAN E.B. LEWIS

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**Jonathan E.B. Lewis, Esq.**  
The Law Office of Jonathan Lewis, LLC  
P.O. Box No. 775  
Beaufort, South Carolina 29902  
(803) 995-2748  
Jonathan@lawofficeofjlewis.com  
S.C. Bar No. 103847  
*For the Defendant Appellant*

This April 15, 2026  
In Beaufort, South Carolina

Counsel of Record:

Jonathan Lewis, Esq., Trial Defense Counsel  
Julie Kate Keeney, Esq., Counsel for the State, 14th Judicial Cir. Solicitor's Office