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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Florence County
Honorable H. Steven DeBerry IV, Circuit Court Judge

Opinion No. 2026-UP-204 (S.C. Ct. App. Filed May 6, 2026)
Lower Court Case No. 2023-GS-21-00480

THE STATE,

RESPONDENT,

V.

WILLIE JAMES SMITH,

PETITIONER.

APPELLATE CASE NO. 2024-000879

APPENDIX

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WILLIE JAMES SMITH,

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FINAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

In this murder trial where the evidence supported that Appellant acted in self-defense, did the trial judge err in refusing to charge self-defense to the jury?

STATEMENT OF THE CASE

In March of 2023,¹ the Florence County Grand Jury indicted Appellant, Willie Smith, for murder, indictment #2023-GS-21-00480. On May 13, 2024. Appellant proceeded to jury trial before the Honorable H. Steven DeBerry, IV. William Foster “Josh” Edgeworth, III, represented Appellant at trial. J. Ryan White prosecuted the case. The jury found Appellant guilty of murder. Judge DeBerry sentenced Appellant to life without parole. A timely notice of intent to appeal was served on May 22, 2024. This appeal follows.

¹ There appears to be an error with the year of the term of the grand jury listed on the indictment as March 9, **2022**, but the incident is alleged in the indictment to have taken place on June 9, 2022. The indictment number and true bill date reflect March 9, **2023**.

STANDARD OF REVIEW

“An appellate court will not reverse the trial judge's decision regarding jury charges absent an abuse of discretion. Clark v. Cantrell, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000); State v. Williams, 367 S.C. 192, 624 S.E.2d 443 (Ct.App.2005).” State v. Santiago, 370 S.C. 153, 159, 634 S.E.2d 23, 26 (Ct. App. 2006).

ARGUMENT

In this murder trial where the evidence supported that Appellant acted in self-defense, the trial judge erred in refusing to charge self-defense to the jury.

The jury found Appellant guilty of the fatal stabbing of his roommate, James McNamara on June 9, 2022. Appellant and McNamara both worked for an asphalt paving company and the two men were sharing a motel room while they worked on a job in Florence. (R. pp. 174-177). The incident took place inside the motel room. A short time after the incident Appellant called 911 and was still at the motel when first responders arrived. (R. p. 48, lines 1-17; p. 64, lines 1-25).

Appellant provided a statement to investigators and a video of the interview was admitted in evidence, without objection, as State's exhibit #50. (R. p. 240, lines 4-8). Appellant told the investigators that McNamara came into the room at 4:00 AM making noise and woke him up. McNamara told Appellant that he was his "pet nigger." (State's exhibit #50 at 14:21). When the investigator asked if McNamara came at Appellant physically Appellant said McNamara came off the bed and Appellant came off the bed. (State's exhibit #50 at 17:54). Appellant said McNamara jumped up toward him and Appellant jumped up toward McNamara and he guessed McNamara did not see that Appellant had a knife. (State's exhibit #50 at 18:05). When asked if Appellant saw if McNamara had any weapons Appellant said he did not have time to look because when McNamara jumped up, Appellant jumped up. (State's exhibit #50 at 18:15). Appellant told the investigators that while he had never seen McNamara with a gun, he knew he carried a box cutter or blade or some sort of a weapon. (State's exhibit #50 at 22:24). Appellant told the investigators that he knew it was all bad for him and indicated it was his fault. (State's exhibit #50 at 24:21).

During the charge conference the judge asked the parties about charging voluntary manslaughter. (R. p. 270, lines 7-8). The assistant solicitor said, “I think there’s enough in the records for a charge on manslaughter, Judge.” (R. p. 270, lines 9-10). Appellant objected to the charge on voluntary manslaughter. (R. p. 270, line 12 – pp. 271 – 274, lines 1-6). The judge ruled, “I’ll tell you what. Everybody be prepared to argue both charges, murder and voluntary manslaughter. And if I decide any differently, then I’ll certainly let you know before we reconvene at 2 o’clock.” (R. p. 274, lines 7-10).

Counsel for Appellant asked about a self-defense charge. (R. p. 277, lines 8-9). The judge said:

Well, this is the first time it’s been brought up, but, no, I don’t think - - you know, at this point in time, there’s been no evidence of the elements of self-defense except for the one of, you know, that he may have been coming at him.

There’s been absolutely no evidence that your client was afraid for his life. There’s been no evidence in the record that he thought he was armed, you know, that would – I mean, now certainly he was in his hotel room where he had a right to defend himself. He didn’t have the duty to retreat. So I’m not, you know, considering that element of self-defense, but I don’t think as we stand right now with what’s in the record that - -that there’s the evidence - - the existence of evidence that would justify a self-defense charge.

(R. p. 277, lines 10-23).

In closing argument the assistant solicitor stated, without objection, “They admit it’s not a self-defense case. You won’t hear any law about self-defense.” (R. p. 290, lines 1-3). The judge charged the jury with the law of voluntary manslaughter but not self-defense. (R. pp. 307-309). The jury convicted Appellant of murder. The trial judge erred in refusing to instruct the jury on the law of self-defense.

In State v. Williams, 400 S.C. 308, 314–15, 733 S.E.2d 605, 608–09 (Ct. App. 2012), the South Carolina Court of Appeals wrote:

“A jury charge is correct if, when the charge is read as a whole, it contains the correct definition and adequately covers the law.” State v. Mattison, 388 S.C. 469, 478, 697 S.E.2d 578, 583 (2010) (internal citations omitted). “The law to be charged must be determined from the evidence presented at trial.” State v. Cole, 338 S.C. 97, 101, 525 S.E.2d 511, 512 (2000) (internal citations omitted); see also Mattison, 388 S.C. at 478, 697 S.E.2d at 583 (stating appellate courts should “consider the court's jury charge as a whole in light of the evidence and issues presented at trial”). When reviewing the circuit court's refusal to deliver a requested jury instruction, appellate courts must consider the evidence in a light most favorable to the defendant. Cole, 338 S.C. at 101, 525 S.E.2d at 512–13.

“If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the [circuit court's] refusal to do so is reversible error.” State v. Day, 341 S.C. 410, 416–17, 535 S.E.2d 431, 434 (2000).

In State v. Jackson, 384 S.C. 29, 35–36, 681 S.E.2d 17, 20 (Ct. App. 2009), the South

Carolina Court of Appeals wrote:

“If there is any evidence of record from which it can be reasonably inferred that an accused justifiably inflicted a wound in self-defense, then the accused is entitled to a charge on the law of self-defense.” State v. Wigington, 375 S.C. 25, 31, 649 S.E.2d 185, 188 (Ct.App.2007). When any evidence in the record entitles the accused to a jury charge on self-defense, a trial judge's refusal to give the charge is reversible error. State v. Muller, 282 S.C. 10, 10, 316 S.E.2d 409, 409 (1984).

Viewing the evidence in the light most favorable to Appellant, there is some evidence from which it could reasonably be inferred that Appellant acted in self-defense. The trial judge's refusal to charge self-defense is reversible error. In State v. Dickey, 394 S.C. 491, 499, 716 S.E.2d 97, 101 (2011), the South Carolina Supreme Court wrote:

A person is justified in using deadly force in self-defense when:

- (1) The defendant was without fault in bringing on the difficulty;
- (2) The defendant ... actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger;
- (3) If the defense is based upon the defendant's actual belief of imminent danger, a

reasonable prudent man of ordinary firmness and courage would have entertained the same belief ...; and

(4) The defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance.

In the present case there is some evidence of the first three elements of self-defense discussed above. As to the fourth element, the trial judge correctly found that Appellant had no duty to retreat from the motel room he shared with the deceased. There is no evidence that Appellant was at fault in bringing on the difficulty. The highly offensive words used accompanied by the deceased coming at Appellant support a belief that Appellant was in imminent danger of losing his life or sustaining serious bodily injury. Those words accompanied by the hostile act show that a reasonably prudent person would have had the same belief. Appellant was entitled to a self-defense instruction that included language that words accompanied by hostile acts, may, depending on the circumstances, establish a plea of self-defense. In State v. Fuller, 297 S.C. 440, 444, 377 S.E.2d 328, 331 (1989), the South Carolina Supreme Court wrote:

Moreover, the trial judge erred in not charging the jury that “words accompanied by hostile acts, may, depending on the circumstances, establish a plea of self-defense” as this court stated in State v. Harvey, 220 S.C. 506, 68 S.E.2d 409 (1951), and previously in State v. Mason, 115 S.C. 214, 105 S.E. 286 (1920). Like the appearances charge, Fuller was entitled to the above set forth charge. Testimony presented at trial revealed that Dixon stated “he was going to take care” of Fuller; that Dixon grabbed Fuller by the throat; and, that Dixon and Phillips called Fuller a “nigger.” Testimony also revealed that Dixon and Phillips rammed Fuller's car with their truck. Because of the evidence presented at trial, we find that the trial judge should have charged the jury that words accompanied by hostile acts may establish self-defense.

Appellant was entitled to a full self-defense charge to include words accompanied by hostile acts may establish self-defense as discussed in Fuller. There is evidence in the record from which it can be reasonably inferred that Appellant acted in self-defense. The trial judge

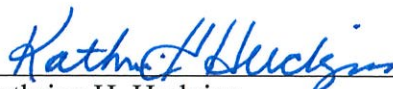
erred in refusing to charge self-defense.

The error in failing to charge self-defense requires reversal. The error was compounded by the assistant solicitor's closing argument falsely claiming that Appellant admitted it was not a self-defense case. (R. p. 290, lines 1-3). While this Court has consistently held that an erroneous jury instruction is subject to a harmless error analysis,² it is difficult to imagine how the failure to charge self-defense when supported by the evidence could be harmless. The error was not harmless in the present case. There was not "one clear-cut conclusion" as the Court of Appeals noted in State v. Battle, 408 S.C. 109, 122, 757 S.E.2d 737, 743 (Ct. App. 2014), distinguishing State v. Middleton, 407 S.C. 312, 755 S.E.2d 432 (2014). The jury should have been given the option of determining if Appellant acted in self-defense or not. The trial judge abused his discretion in refusing to charge self-defense. The error requires reversal.

² See State v. Burdette, 427 S.C. 490, 832 S.E.2d 575 (2019)

CONCLUSION

Based on the above argument, this Court should reverse the conviction and remand for a new trial.


Kathrine H. Hudgins
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 21st day of October, 2025.

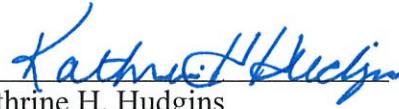
CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this final 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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Oct 21 2025

SC Court of Appeals



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This 21st day of October, 2025.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Honorable H. Steven DeBerry IV, Circuit Court Judge

Appellate Case No. 2024-000879

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SC Court of Appeals

THE STATE,

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WILLIE JAMES SMITH,

Appellant.

FINAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUE ON APPEAL**Appellant's Issue Statement**

In this murder trial where the evidence supported that Appellant acted in self-defense, did the trial judge err in refusing to charge self-defense to the jury?

Respondent's Counterstatement of Issue on Appeal

Whether the trial court properly charged the jury on murder and voluntary manslaughter alone because no evidence of self-defense was placed into the record during the trial?

STATEMENT OF THE CASE

During its March 2023 term,¹ the Florence County Grand Jury indicted Appellant Willie James Smith for one count of murder (2023-GS-21-00480). Appellant was represented by William Foster “Josh” Edgeworth, III. J. Ryan White prosecuted the case. The case was called to trial on May 13, 2024, with the Honorable H. Steven DeBerry, IV, presiding. The jury found Appellant guilty of murder, and he was sentenced to life. R. 314-326. This appeal follows.

¹ Respondent notes the date on the indictment appears to be incorrect in listing the year as 2022 instead of 2023.

STANDARD OF REVIEW

“An appellate court will not reverse the trial [court’s] decision regarding a jury charge absent an abuse of discretion.” State v. Wright, 416 S.C. 353, 374, 785 S.E.2d 479, 490 (Ct. App. 2016) (quoting State v. Mattison, 388 S.C. 469, 479, 697 S.E.2d 578, 584 (2010)). “An abuse of discretion occurs when the trial court’s ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support.” State v. Pittman, 373 S.C. 527, 570, 647 S.E.2d 144, 166–67 (2007) (citing Clark v. Cantrell, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000)). Further, to support relief on appeal, the lower court’s “refusal to give a requested charge must be both erroneous and prejudicial to the defendant.” Mattison, 388 S.C. at 479, 697 S.E.2d at 584 (citing State v. Burkhardt, 350 S.C. 252, 261, 565 S.E.2d 298, 303 (2002)). “When reviewing the circuit court’s refusal to deliver a requested jury instruction, appellate courts must consider the evidence in a light most favorable to the defendant.” State v. Williams, 400 S.C. 308, 314, 733 S.E.2d 605, 608–09 (Ct. App. 2012).

STATEMENT OF FACTS

The morning of June 9, 2022, Appellant Willie James Smith stabbed his coworker, James McNamara (“McNamara”), to death. The testimony at trial established Appellant and McNamara worked for an asphalt paving business owned by Charles Preece (“Preece”). R. 174-177. Appellant was hired a month or so prior to the murder, although Preece considered firing him after Appellant walked off a job in Walterboro. R. 177-178. McNamara was a supervisor at the company for five or six years. R. 175-176. McNamara was a “calming influence” for Preece and was described by witnesses as easy going, very laid back, and somewhat shy and quiet. R. 168, 176-177.

In June of 2022, McNamara and Appellant were placed in a motel room together at the Florence Express Inn for a job in Florence. R. 86, 182. McNamara and Appellant were roommates at another job before, and Appellant had gone drinking with McNamara once or twice. R. 182; State’s Ex. # 50 (Interview Recording at 8:26). The room had two beds, and McNamara’s bed was closest to the door. R. 105.

The night of June 8, Appellant walked up to the front desk and asked the manager for extra towels and washcloths because McNamara “always used them all.” R. 170. The manager could tell he was irritated. R. 170. Appellant alleged he and McNamara were both in their own beds around eight o’clock in the evening, but then around four o’clock in the morning, he was sleeping when McNamara seemingly re-entered the room. State’s Ex. # 50 (Interview Recording at 8:19:52, 8:25:30). Appellant claimed McNamara was making noise and swearing, so Appellant got up, at which point McNamara supposedly said, “Nah, nah, you a’ight, pet n***er. You my pet n***er.” State’s Ex. # 50 (Interview Recording at 8:20:00). According to Appellant, he told McNamara he couldn’t keep saying that, and McNamara responded, “You gon’ always be my pet n***er.” State’s

Ex. # 50 (Interview Recording at 8:20:23).² Appellant said at that point he “jumped up and hit [McNamara] in the throat” with a knife. State’s Ex. # 50 (Interview Recording at 8:20:30). Appellant stabbed at McNamara four times, three times in the throat and once into the mattress McNamara was laying on, before pulling out the knife and washing the blood off his hands. R. 211, 243; State’s Ex. # 50 (Interview Recording at 8:20:40). Appellant then sat on the corner of the bed, smoked a blunt, and drank two Mike’s Hard Lemonades as McNamara died. R. 249; State’s Ex. # 50 (Interview Recording at 8:21 – 8:25). Appellant waited until McNamara had stopped moving forty-five minutes later before finally calling 911. R. 243.

Appellant admitted on the 911 call that he stabbed McNamara in the neck. R. 261. The 911 operator attempted to provide instructions for Appellant to render aid to McNamara, but Appellant seemed unwilling to participate. R. 49, 59.

When officers and EMS arrived on the scene, McNamara was deceased on his bed, with wounds on each side of his neck and a third wound near the front of his throat. R. 69, 95. There was also a knife puncture in the mattress underneath McNamara’s head area with some of his hair inside. R. 196-197. McNamara was lying across the bed, with his head diagonally toward the headboard, his shoes off, and no part of his body touching the floor. R. 87, 98, 244-245. Blood covered the mattress, ceiling, and walls, and had sprayed across the lampshade. R. 95. The “majority of the blood” was on the victim’s bed, over his head, and to the side. R. 244. Officers

² Appellant claimed McNamara had used the slur before and that he had reported McNamara for that. State’s Ex. # 50 (Interview Recording at 8:22:52). Appellant added that McNamara had said, “Yeah don’t take it the wrong way,” and Appellant explained that he believed McNamara was saying it because Appellant “work[s] real good” so the “boss man” was proud of the way he works. State’s Ex. # 50 (Interview Recording at 8:22:59). Appellant chuckled at the recollection. State’s Ex. # 50 (Interview Recording at 8:22 -8:23).

found empty containers of Mike's Hard Lemonade, a bag of blunts and cigars, and the murder weapon in the motel room. R. 94. No other weapons were in the room, and Appellant had no injuries. R. 100, 243, 256. Appellant was taken into custody and subsequently interviewed by Investigator Ben Price ("Investigator Price") at the Sheriff's Office several hours later. R. 233-234.

During Appellant's interview, Appellant stated that he stabbed McNamara when McNamara used the slur the second time. State's Ex. # 50 (Interview Recording at 8:20:30. Although he indicated he stabbed McNamara in an upward direction, the pathologist's testimony confirmed the stabbing occurred in a downward direction. R. 242. When Investigator Price asked Appellant if McNamara ever came at him physically, Appellant answered, "Yeah, he came off the bed, I came off the bed, know what I'm saying?" State's Ex. # 50 (Interview Recording at 8:23:43). Investigator Price then asked if it was "kind of like a jump," to which Appellant responded, "Yeah it was something like that, he jumped up toward me I jumped toward him, guess he didn't see me with the knife," while laughing. State's Ex. # 50 (Interview Recording at 08:23:40). Appellant claimed his knife had been inside the table next to him when he originally grabbed it. State's Ex. # 50 (Interview Recording at 8:32:21). Investigator Price asked Appellant if he saw whether McNamara had any weapons or anything, and Appellant said, "I didn't have time to check, all I know... what he said, then he jumped up I jumped up. So... If he did have one, I can't say he did or didn't. All I know... be held accountable for what I did." State's Ex. # 50 (Interview Recording at 8:23:57).

When questioned about why it took so long to call 911, Appellant stated, "I was pissed off. That's the honest answer. That's all I can give you. I was pissed off, I was upset, I sat on the corner of the bed, I gotta tell you, before I called 911, I smoked a blunt, and I drunk two of them Mike's Lemonades . . . then I dialed 911." State's Ex. # 50 (Interview Recording at 8:24:36). Investigator

Price asked if Appellant knew McNamara to ever carry a gun, and Appellant said, “I ain’t never seen nobody with a gun on the job... All I’ve seen, you know, we have a bunch of knives, and stuff like that, but never any gun... He might keep a boxcutter, I know he keep a boxcutter, he keep some weapons . . . know what I’m saying, everybody always keeps something, like I said, blade or something like that.” State’s Ex. # 50 (Interview Recording at 8:28:08).

Appellant also said in the interview that he thought he stabbed McNamara twice, stating, “When I hit him, he fell back, I fell back on him, that’s why I said I was on him, and when I fell back on him, that was the second time.” State’s Ex. # 50 (Interview Recording at 8:28:52). Appellant added at the end of his interview, “I mean I know it’s all bad for me, but, you know, it’s what happened. So I know it’s all bad, but it’s what happened. This time, this is my fault. So I can’t, you know, I can’t justify it.” State’s Ex. # 50 (Interview Recording at 8:29:51). Investigator Price asked if there was anything else he could think of to go over, and Appellant said, “That’s what happened . . . I can’t add or subtract anything, you know, cause it’s not there.” State’s Ex. # 50 (Interview Recording at 8:31:56). Appellant reiterated multiple times throughout his interview that all he knew was McNamara came in making noise and swearing, then called him a slur, and “that’s what happened.” State’s Ex. # 50 (Interview Recording at 8:22:30, 8:23:25).

McNamara’s blood tested negative for drugs or alcohol. R. 146. Appellant’s knife was recovered from the scene and tested for DNA, and it was determined that the DNA profile from the knife was likely a combination of DNA from McNamara and Appellant. R. 89-93, 137. The forensic pathologist testified that the first stab wound on the left side of the neck and the third stab wound on the right side of the neck would have both been fatal on their own, but the second wound would not have independently posed an immediate threat to McNamara’s life. R. 213-214. He testified it likely took at least several minutes for McNamara to die, but he could not be precise

about how long it took McNamara to bleed out. R. 215. Investigator Price testified he saw Appellant laughing multiple times during the recorded interview, which was shown to the jury at trial. R. 245-246.

As stated above, the jury convicted Appellant of murder.

ARGUMENT

I. The trial judge properly declined to charge the jury on self-defense as Appellant brought on the difficulty and no other evidence was introduced to support a self-defense charge.

Appellant argues Judge DeBerry erred by refusing to charge the jury on self-defense because the record contains “some evidence from which it could reasonably be inferred that Appellant acted in self-defense.” (BOA at 6). Specifically, relying on State v. Fuller, 297 S.C. 440, 377 S.E.2d 328 (1989), Appellant argues that “[t]he highly offensive words used accompanied by the deceased coming at Appellant support a belief that Appellant was in imminent danger of losing his life or sustaining serious bodily injury.” (BOA at 7). Appellant’s argument lacks merit. The trial judge did not abuse his discretion because there was no evidence submitted to support the necessary first three prongs of self-defense. Wright, supra. Relatedly, Appellant cannot show prejudice as there was no evidence presented to support self-defense had the charge been given. Mattison, supra. Appellant is not entitled to any relief.

Relevant law:

“The trial court must charge the jury on the law applicable to the jury’s deliberations.” State v. Marin, 415 S.C. 475, 482, 783 S.E.2d 808, 812 (2016). “If there is any evidence of record from which it can be reasonably inferred that an accused justifiably inflicted a wound in self-defense, then the accused is entitled to a charge on the law of self-defense.” State v. Wigington, 375 S.C. 25, 31, 649 S.E.2d 185, 188 (Ct. App. 2007). If there is no factual support for the charge, the charge is not warranted. Id. (citing State v. Bryant, 336 S.C. at 344, 520 S.E.2d at 321). Further, this applies to each element of self-defense; if evidence of one element is missing, the charge is not warranted: “Because all of the elements are required to establish self-defense ... [i]t is an axiomatic principle of law that [self-defense] has not been established if any one element is

disproven.” In re Tracy B., 391 S.C. 51, 704 S.E.2d 71 (Ct. App. 2010) (quoting State v. Bixby, 388 S.C. 528, 554, 698 S.E.2d 572, 586 (2010)). The elements of self-defense are the following:

- (1) the defendant must be without fault in bringing on the difficulty;
- (2) the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury;
- (3) if his defense is based upon his belief of imminent danger, a reasonably prudent person of ordinary fitness and courage would have entertained the same belief that he actually was in imminent danger and the circumstances were such that he was actually in imminent danger and the circumstances were such as would warrant a person of ordinary prudence, fitness and courage to strike the fatal blow in order to save himself from serious bodily harm or loss of his own life; and
- (4) the defendant had no other probable means of avoiding the danger.

State v. Bryant, 336 S.C. 340, 344-345, 520 S.E.2d 319, 321-322 (1999).

Relevant Facts:

The trial judge heard arguments on what charges would be appropriate based on the evidence. The solicitor argued for a charge on voluntary manslaughter, which was strenuously objected to by defense counsel, but was ultimately charged by the court. R. 270-277. When defense counsel inquired about the evidence of sufficient provocation for the voluntary manslaughter charge, Judge DeBerry stated, “[I]n this matter, we also have evidence that the victim may have - or came at the defendant. So I think, certainly, that, coupled with what he says he said, you know, certainly, a jury could find that he's guilty of voluntary manslaughter.” R. 376. At that point, defense counsel brought up self-defense for the first time, asking, “And remind me, Your Honor, then is there then a self-defense charge?” R. 277. Judge DeBerry provided the following response:

Well, this is the first time it's been brought up, but, no, I don't think - you know, at this point in time, there's been no evidence of the elements of self-defense except for the one of, you know, that he may have been coming at him. There's been absolutely no evidence that your client was afraid for his life. There's been no evidence in the record that he thought he was armed, you know, that would -- I mean, now, certainly he was in his hotel room where he had a right to defend himself. He didn't have the duty to retreat. So I'm not, you know, considering that element of self-defense, but I don't think as we stand right now with what's in the record that -- that there's the evidence -- the existence of evidence that would justify a self-defense charge.

R. 277.

Defense counsel could point to no evidence and made no argument for the charge; rather, counsel concluded, "Well, Your Honor, I mean, I just take it, as you know, motion denied, I mean, and I just ... want to make sure for the purposes of the record that ... is made clear because I know I didn't raise it earlier, but of course, I was waiting to see what Your Honor's final decision would be" on voluntary manslaughter, given "words aren't enough" for sufficient provocation. R. 277-278. He continued, however, to argue against the manslaughter charge, citing "there's no evidence of a weapon," so "coming at him" would not support sufficient provocation. R. 278.

Discussion:

Judge DeBerry's ruling reflects no error of law or fact. Consequently, Appellant fails to show any abuse of discretion in the court's ruling.

Defense counsel's argument appears to have been that if evidence existed for a charge on voluntary manslaughter, then he was entitled to self-defense. That is incorrect as a matter of law. While both could exist, both have individual requirements that must be supported. As the judge correctly noted, an "overt threatening act" was his "threshold" consideration; he said nothing about fault or "imminent danger" of losing his life or sustaining serious bodily injury. The considerations differ. Compare State v. Pittman, 373 S.C. 527, 573, 647 S.E.2d 144, 168 (2007) (recognizing

precedent that a “threatening act or a physical encounter may constitute sufficient legal provocation”) with State v. Dickey, 394 S.C. 491, 502, 716 S.E.2d 97, 102 (2011) (finding self-defense as a matter of law where the defendant “testified that, under the circumstances and appearances, he believed he was in actual danger of death or serious bodily harm ... find[ing] it reasonable that [he] made such an assumption and that a person of [his] stature and limited agility would entertain the same fear when faced with an attack by a belligerent, intoxicated, more agile, and younger male, who appeared to be reaching for a weapon”). Further, the mental state differs. State v. Starnes, 388 S.C. 590, 599, 698 S.E.2d 604, 609 (2010) (“Evidence that fear caused a person to kill another person in a sudden heat of passion will mitigate a homicide from murder to manslaughter—it will not justify it. This is the distinction between voluntary manslaughter and self-defense”). Evidence of both contrasting requirements may be present and require a jury determination to resolve competing stories, but the presence of evidence of each requirement, credibility aside, is essential for the charge. Id.

Even McNamara allegedly “jumping up” toward Appellant, if considered potentially a “physical encounter,” when coupled with harsh words such as the racial slur used here, could not support the necessary elements of self-defense. Further, a review of the evidence in context of the self-defense test confirms the trial court’s conclusion that there was no evidence to support the instruction.

As to the first prong, Appellant was not without fault in bringing on the difficulty. Taking Appellant’s version of events as true, he admitted he armed himself with a deadly weapon, but there is no evidence that he armed himself to defend against aggression. Further, Appellant claimed that he and McNamara jumped at each other, not that McNamara jumped and he reacted. Appellant even asserted in his statement to investigators “guess he didn’t see me with the knife”

which again supports he grabbed the knife (out of the nightstand) before McNamara jumped at him State's Ex. # 50 (Interview Recording at 08:23:40).

As to the second and third prongs, there is no evidence that McNamara jumped *and* engaged in any hostile act to bring about either *actual danger* or that a reasonable person would believe there was *imminent danger of serious bodily harm or loss of life*. No evidence of a threat of harm was presented. And no evidence was presented that Appellant was protecting himself or acting in fear. While evidence was offered that offensive words were spoken, other evidence from Appellant's own statement indicated that McNamara had previously used the slur to Appellant before and that did not cause fear, or even uneasiness, and most certainly did not cause the violent, ultimately deadly confrontation that resulted here. State's Ex. # 50 (Interview Recording at 8:22:59). This rebuts any argument that the words, paired with standing up, could be enough to support actual or reasonable belief of imminent death or serious bodily injury. There was no evidence that the words included any physical threat, or even that McNamara said the words at the same time he "jumped up." Thus, contrary to his argument, but consistent with the trial court's ruling, Appellant was not entitled to the self-defense charge. Given the facts of record, Appellant's reliance on State v. Fuller, 297 S.C. 440, 377 S.E.2d 328 (1989), is misplaced. See BOA at 7-8.

In Fuller, the Supreme Court considered the sufficiency of the self-defense charge given at trial. 297 S.C. at 442, 377 S.E.2d at 330. Here, Appellant is not arguing that additional language was required, but the charge should be given. Even so, the Supreme Court in Fuller reasoned that an additional explanation should have been given with the charge on the elements that "words accompanied by hostile acts, may, depending on the circumstances" support self-defense. Id. The "depending on the circumstances" phrase is critical. The evidence in that case did show use of a racial slur but also verbal threats, grabbing Fuller's throat, the victim being momentarily scared

off by a warning shot, going to the trunk with his companion, then entering the car and chasing Fuller who was attempting to leave in his car, ramming Fuller's car with their truck, and one of the two men yelling toward Fuller, "we're going to take care of you" while approaching him. *Id.* at 442, 377 S.E.2d at 330. After seeing "something shiny" in victim's hand and thinking "it was a gun[]" Fuller fired four shots at the men's car and killed both men." *Id.* It was in that context that our Court agreed Fuller was entitled to the charge that "words accompanied by hostile acts, may, depending on the circumstances, establish a plea of self-defense." *Id.* Appellant's circumstances as recited above are vastly different and did not warrant such a charge as the record shows no verbal threat, or any chase or hostile act, or any suggestion of a weapon.

Further, and in great contrast, the evidence included Appellant's candid admission that the situation was his fault, and he could not "justify it." State's Ex. # 50 (Interview Recording at 8:29:51). When Investigator Price asked if there was anything else he could think of to go over, Appellant said, "That's what happened . . . I can't add or subtract anything, you know, cause it's not there." State's Ex. # 50 (Interview Recording at 8:31:56). Appellant reiterated multiple times throughout his interview that all he knew was McNamara came in making noise and swearing, then called him a slur, and "that's what happened." State's Ex. # 50 (Interview Recording at 8:22:30, 8:23:25). Moreover, Appellant waited until McNamara had stopped moving – forty-five minutes later – before finally calling 911. R. 243. Appellant stated plainly that he never saw McNamara or anyone at their work with a gun, though he stated McNamara had a boxcutter like "everyone" who has something. State's Ex. # 50 (Interview Recording at 8:28:08). The omission is important: Appellant never testified that McNamara threatened him with a boxcutter on that night or at any time.

Additionally, the forensic evidence supports Applicant's repeated confession of fault and provides even more. Particularly, the stab mark in the mattress which shows that Appellant at some point attempted to stab McNamara while he was laying down, unarmed, on his mattress, R. 196-197; McNamara was lying across the bed, with his head diagonally toward the headboard, his shoes off, and no part of his body touching the floor, R. 87, 98, 244-245; blood covered the mattress, ceiling, and walls, and had sprayed across the lampshade. R. 95; the "majority of the blood" was on the victim's bed, over his head, and to the side, R. 244; and officers found empty containers of Mike's Hard Lemonade, a bag of blunts and cigars, and the murder weapon in the motel room where Appellant had waited for McNamara to die, R. 94. No other weapons were in the room, and Appellant had no injuries. R. 100, 243, 256. Appellant, merely relying on a portion of Fuller with its different circumstances in fact and law, considering whether a further explanation of a self-defense charge already given was necessary, has shown no basis in law or fact for finding an abuse of discretion in the trial court's decision not to charge self-defense in this case.

Notably, this case does not turn on a question of credibility created by differing stories,³ but simply the total lack of evidence to support the necessary prongs of self-defense.⁴

³ See generally State v. Williams, 400 S.C. 308, 316, 733 S.E.2d 605, 609 (Ct. App. 2012) (acknowledging the defendant's testimony that the victim had "cursed at him" and displayed a "demented" look" toward him, pulled a pistol and had a history of shooting people, would support a self-defense instruction even where "both eyewitnesses' testimonies support a very different theory of fault").

⁴ The trial judge did not consider the duty to retreat given the shared premises, R. 277, and that is likewise not discussed here. "Under the law of self-defense, one who is attacked on his own premises is immune from the duty to retreat." State v. Brown, 321 S.C. 184, 187, 467 S.E.2d 922, 924 (1996).

Because there was no evidence of any of the first three factors of self-defense presented to the jury at trial, Judge DeBerry was well-within his discretion to refuse to give a charge of self-defense. This Court should affirm.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Oct 21 2025

SC Court of Appeals

APPEAL FROM FLORENCE COUNTY
Honorable H. Steven DeBerry IV, Circuit Court Judge

Appellate Case No. 2024-000879

THE STATE,

Respondent,

v.

WILLIE JAMES SMITH,

Appellant.

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Final Brief of Respondent, along with Certificate of Service has been forwarded to Appellant's counsel, Kathrine Hudgins, Esquire via email today, October 21, 2025 to at KHudgins@sccid.sc.gov and her assistant at Cstock@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 21st day of October, 2025

s/ Angela Brown

Angela Brown
Legal Assistant to Melody J. Brown
Senior Assistant Deputy Attorney General

CONCLUSION

For all of the foregoing reasons, the State respectfully requests that the judgment, conviction, and sentence of the lower court be affirmed.

Respectfully submitted,

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Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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OFFICE OF THE ATTORNEY GENERAL

Columbia, South Carolina
October 21, 2025

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Willie James Smith, Appellant.

Appellate Case No. 2024-000879

Appeal From Florence County
H. Steven DeBerry, IV, Circuit Court Judge

Unpublished Opinion No. 2026-UP-204
Submitted April 1, 2026 – Filed May 6, 2026

AFFIRMED

Senior Appellate Defender Kathrine Haggard Hudgins, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Senior
Assistant Deputy Attorney General Melody Jane Brown,
and Assistant Attorney General MacKinnon Grace
Westraad, all of Columbia, for Respondent.

PER CURIAM: Willie James Smith appeals his conviction for murder and sentence of life imprisonment. On appeal, Smith argues the trial court erred in

denying his request for a self-defense jury instruction. We affirm pursuant to Rule 220(b), SCACR.

We hold the trial court did not abuse its discretion in refusing Smith's request for a self-defense jury instruction. Viewing the evidence in a light most favorable to Smith, there was no evidence presented at trial showing Smith was, or believed he was, in actual imminent danger of losing his life or sustaining serious bodily injury. *See State v. Wright*, 416 S.C. 353, 364, 785 S.E.2d 479, 485 (Ct. App. 2016) ("In criminal cases, an appellate court sits to review only errors of law, and it is bound by the trial court's factual findings unless they are clearly erroneous." (quoting *State v. Brown*, 401 S.C. 82, 87, 736 S.E.2d 263, 265 (2012))); *State v. Mattison*, 388 S.C. 469, 479, 697 S.E.2d 578, 584 (2010) ("An appellate court will not reverse the trial [court's] decision regarding a jury charge absent an abuse of discretion."); *State v. Williams*, 400 S.C. 308, 314, 733 S.E.2d 605, 608-09 (Ct. App. 2012) ("When reviewing the [trial] court's refusal to deliver a requested jury instruction, appellate courts must consider the evidence in a light most favorable to the defendant."); *Wright*, 416 S.C. at 375, 785 S.E.2d at 491 ("To establish self-defense in South Carolina, four elements must be present: (1) the defendant must be without fault in bringing on the difficulty; (2) the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury; (3) if his defense is based upon his belief of imminent danger, the defendant must show that a reasonably prudent person of ordinary firmness and courage would have entertained the belief that he was actually in imminent danger and that the circumstances were such as would warrant a person of ordinary prudence, firmness, and courage to strike the fatal blow in order to save himself from serious bodily harm or the loss of his life; and (4) the defendant had no other probable means of avoiding the danger." (quoting *State v. Light*, 378 S.C. 641, 649, 664 S.E.2d 465, 469 (2008))); *id.* ("If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the trial [court's] refusal to do so is reversible error." (quoting *Light*, 378 S.C. at 650, 664 S.E.2d at 469)).

AFFIRMED.¹

THOMAS, MCDONALD, and TURNER, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

RECEIVED
May 14 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable H. Steven DeBerry IV, Circuit Court Judge

Opinion No. 2026_UP-204

THE STATE,

RESPONDENT,

V.

WILLIE JAMES SMITH,

PETITIONER.

APPELLATE CASE NO. 2024-000879

Petition for Rehearing

Pursuant to Rule 221(a), SCACR, counsel for Petitioner, Willie James Smith, requests this Court grant rehearing. On May 6, 2026, this Court affirmed the murder conviction finding the trial court did not abuse its discretion in refusing Smith's request for a self-defense jury instruction because, viewing the evidence in the light most favorable to Smith, there was no evidence presented that Smith was, or believed he was, in actual danger of losing his life or sustaining bodily injury. State v. Smith, Op. No. 2026-UP-204 (S.C. Ct. App. filed May 6, 2026). Counsel respectfully submits that this Court overlooked the fact that words accompanied by hostile acts establish self-defense in this case. See State v. Fuller, 297 S.C. 440, 377 S.E.2d

328, (1989). There is evidence in the record from which it can be reasonably inferred that Petitioner acted in self-defense. At 4:00 AM the deceased entered the motel room he was sharing with Petitioner, was loud, waking Petitioner, used a highly offensive racial slur against Petitioner three times, and jumped up toward Petitioner before being stabbed. The racial slurs accompanied by the hostile act of jumping up toward Petitioner is evidence from which Petitioner reasonably believed he was in danger of sustaining great bodily injury. The jury should have been instructed on the law of self-defense. Petitioner respectfully seeks rehearing.

In this murder trial where the evidence supported that Petitioner acted in self-defense, the trial judge erred in refusing to charge self-defense to the jury.

The jury found Petitioner guilty of the fatal stabbing of his roommate, James McNamara on June 9, 2022. Petitioner and McNamara both worked for an asphalt paving company and the two men were sharing a motel room while they worked on a job in Florence. (R. pp. 174-177). The incident took place inside the motel room. A short time after the incident Petitioner called 911 and was still at the motel when first responders arrived. (R. p. 48, lines 1-17; p. 64, lines 1-25).

Petitioner provided a statement to investigators and a video of the interview was admitted in evidence, without objection, as State's exhibit #50. (R. p. 240, lines 4-8). Petitioner told the investigators that McNamara came into the room at 4:00 AM making noise and woke him up. McNamara told Petitioner that he was his "pet nigger" three times. (State's exhibit #50 at 14:21). When the investigator asked if McNamara came at Petitioner physically Petitioner said McNamara came off the bed and Petitioner came off the bed. (State's exhibit #50 at 17:54). Petitioner said McNamara jumped up toward him and Petitioner jumped up toward McNamara

and he guessed McNamara did not see that Petitioner had a knife. (State's exhibit #50 at 18:05). When asked if Petitioner saw if McNamara had any weapons Petitioner said he did not have time to look because when McNamara jumped up, Petitioner jumped up. (State's exhibit #50 at 18:15). Petitioner told the investigators that while he had never seen McNamara with a gun, he knew he carried a box cutter or blade or some sort of a weapon. (State's exhibit #50 at 22:24). Petitioner told the investigators that he knew it was all bad for him and indicated it was his fault. (State's exhibit #50 at 24:21).

During the charge conference the judge asked the parties about charging voluntary manslaughter. (R. p. 270, lines 7-8). The assistant solicitor said, "I think there's enough in the records for a charge on manslaughter, Judge." (R. p. 270, lines 9-10). Petitioner objected to the charge on voluntary manslaughter. (R. p. 270, line 12 – pp. 271 – 274, lines 1-6). The judge ruled, "I'll tell you what. Everybody be prepared to argue both charges, murder and voluntary manslaughter. And if I decide any differently, then I'll certainly let you know before we reconvene at 2 o'clock." (R. p. 274, lines 7-10).

Counsel for Petitioner asked about a self-defense charge. (R. p. 277, lines 8-9). The judge said:

Well, this is the first time it's been brought up, but, no, I don't think - - you know, at this point in time, there's been no evidence of the elements of self-defense except for the one of, you know, that he may have been coming at him.

There's been absolutely no evidence that your client was afraid for his life. There's been no evidence in the record that he thought he was armed, you know, that would - I mean, now certainly he was in his hotel room where he had a right to defend himself. He didn't have the duty to retreat. So I'm not, you know, considering that element of self-defense, but I don't think as we stand right now with what's in the record that - -that there's the evidence - - the existence of evidence that would justify a self-defense charge.

(R. p. 277, lines 10-23).

In closing argument the assistant solicitor stated, without objection, “They admit it’s not a self-defense case. You won’t hear any law about self-defense.” (R. p. 290, lines 1-3). The judge charged the jury with the law of voluntary manslaughter but not self-defense. (R. pp. 307-309). The jury convicted Petitioner of murder. The trial judge erred in refusing to instruct the jury on the law of self-defense.

In State v. Williams, 400 S.C. 308, 314–15, 733 S.E.2d 605, 608–09 (Ct. App. 2012), the South Carolina Court of Appeals wrote:

“A jury charge is correct if, when the charge is read as a whole, it contains the correct definition and adequately covers the law.” State v. Mattison, 388 S.C. 469, 478, 697 S.E.2d 578, 583 (2010) (internal citations omitted). “The law to be charged must be determined from the evidence presented at trial.” State v. Cole, 338 S.C. 97, 101, 525 S.E.2d 511, 512 (2000) (internal citations omitted); see also Mattison, 388 S.C. at 478, 697 S.E.2d at 583 (stating appellate courts should “consider the court’s jury charge as a whole in light of the evidence and issues presented at trial”). When reviewing the circuit court’s refusal to deliver a requested jury instruction, appellate courts must consider the evidence in a light most favorable to the defendant. Cole, 338 S.C. at 101, 525 S.E.2d at 512–13.

“If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the [circuit court’s] refusal to do so is reversible error.” State v. Day, 341 S.C. 410, 416–17, 535 S.E.2d 431, 434 (2000).

In State v. Jackson, 384 S.C. 29, 35–36, 681 S.E.2d 17, 20 (Ct. App. 2009), the South Carolina Court of Appeals wrote:

“If there is any evidence of record from which it can be reasonably inferred that an accused justifiably inflicted a wound in self-defense, then the accused is entitled to a charge on the law of self-defense.” State v. Wigington, 375 S.C. 25, 31, 649 S.E.2d 185, 188 (Ct.App.2007). When any evidence in the record entitles the accused to a jury charge on self-defense, a trial judge’s refusal to give the charge is reversible error. State v. Muller, 282 S.C. 10, 10, 316 S.E.2d 409, 409 (1984).

Viewing the evidence in the light most favorable to Petitioner, there is evidence from which it could reasonably be inferred that Petitioner acted in self-defense. The trial judge’s

refusal to charge self-defense is reversible error. In State v. Dickey, 394 S.C. 491, 499, 716 S.E.2d 97, 101 (2011), the South Carolina Supreme Court wrote:

A person is justified in using deadly force in self-defense when:

- (1) The defendant was without fault in bringing on the difficulty;
- (2) The defendant ... actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger;
- (3) If the defense is based upon the defendant's actual belief of imminent danger, a reasonable prudent man of ordinary firmness and courage would have entertained the same belief ...; and
- (4) The defendant had no other probable means of avoiding the danger of losing his own life or sustaining serious bodily injury than to act as he did in this particular instance.

In the present case there is evidence of the first three elements of self-defense discussed above. As to the fourth element, the trial judge correctly found that Petitioner had no duty to retreat from the motel room he shared with the deceased. There is no evidence that Petitioner was at fault in bringing on the difficulty. The highly offensive words used accompanied by the deceased coming at Petitioner support a belief that Petitioner was in imminent danger of losing his life or sustaining serious bodily injury. Those words accompanied by the hostile act show that a reasonably prudent person would have had the same belief. Petitioner was entitled to a self-defense instruction that included language that words accompanied by hostile acts, may, depending on the circumstances, establish a plea of self-defense. In State v. Fuller, 297 S.C. 440, 444, 377 S.E.2d 328, 331 (1989), the South Carolina Supreme Court wrote:

Moreover, the trial judge erred in not charging the jury that “words accompanied by hostile acts, may, depending on the circumstances, establish a plea of self-defense” as this court stated in State v. Harvey, 220 S.C. 506, 68 S.E.2d 409 (1951), and previously in State v. Mason, 115 S.C. 214, 105 S.E. 286 (1920). Like the appearances charge, Fuller was entitled to the above set forth charge. Testimony presented at trial revealed that Dixon stated “he was going to take care” of Fuller; that Dixon grabbed Fuller by the throat; and, that Dixon and Phillips called Fuller a “nigger.” Testimony also revealed that Dixon and Phillips

rammed Fuller's car with their truck. Because of the evidence presented at trial, we find that the trial judge should have charged the jury that words accompanied by hostile acts may establish self-defense.

Petitioner was entitled to a full self-defense charge to include words accompanied by hostile acts may establish self-defense as discussed in Fuller. There is evidence in the record from which it can be reasonably inferred that Petitioner acted in self-defense. The trial judge erred in refusing to charge self-defense. The error in failing to charge self-defense requires reversal. "If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the trial judge's refusal to do so is reversible error." State v. Light, 378 S.C. 641, 650, 664 S.E.2d 465, 469 (2008) (citing State v. Slater, 373 S.C. 66, 644 S.E.2d 50 (2007)). The error was compounded by the assistant solicitor's closing argument stating, "They admit it's not a self-defense case. You won't hear any law about self-defense." (R. p. 290, lines 1-3). Petitioner did not admit that this was not a self-defense case. Petitioner requested an instruction on self-defense that the judge refused to give.

There was not "one clear-cut conclusion" as the Court of Appeals noted in State v. Battle, 408 S.C. 109, 122, 757 S.E.2d 737, 743 (Ct. App. 2014), distinguishing State v. Middleton, 407 S.C. 312, 755 S.E.2d 432 (2014). The jury should have been given the option of determining if Petitioner acted in self-defense or not. The trial judge abused his discretion in refusing to charge self-defense. The error requires reversal.

In affirming the conviction this Court wrote, "We hold the trial court did not abuse its discretion in refusing Smith's request for a self-defense jury instruction. Viewing the evidence in a light most favorable to Smith, there was no evidence presented at trial showing Smith was, or believed he was, in actual imminent danger of losing his life or sustaining serious bodily injury."

State v. Smith, Op. No. 2026-UP-204 (S.C. Ct. App. filed May 6, 2026). Respectfully, this Court overlooked the fact that, viewing the evidence in the light most favorable to Petitioner, the racial slurs accompanied by the hostile act of jumping up toward Petitioner is evidence from which Petitioner reasonably believed he was in imminent danger of sustaining great bodily injury. This evidence satisfies the “any evidence” standard requiring a charge on self-defense. Petitioner respectfully seeks rehearing and a finding that the judge’s refusal to charge self-defense is reversible error requiring a new trial.


Kathrine H. Hudgins
Senior Appellate Defender

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ATTORNEY FOR PETITIONER

This 14th day of May, 2026.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
May 14 2026
SC Court of Appeals

Appeal from Florence County

Honorable H. Steven DeBerry IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIE JAMES SMITH,

PETITIONER.

APPELLATE CASE NO. 2024-000879

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 MacKinnon Westraad, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Willie James Smith, #394161, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 14th day of May, 2026.



Kathrine H. Hudgins
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

The South Carolina Court of Appeals

The State, Respondent,

v.

Willie James Smith, Appellant.

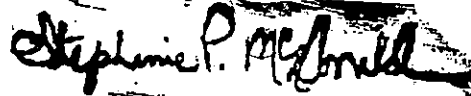
Appellate Case No. 2024-000879

ORDER

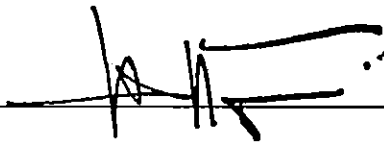
After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Melody Jane Brown, Esquire

Alan McCrory Wilson, Esquire

Kathrine Haggard Hudgins, Esquire

MacKinnon Grace Westraad, Esquire

The Honorable H. Steven DeBerry, IV

FILED
Jun 10 2026