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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

Unpublished Opinion No. 2026-UP-302
Heard May 14, 2026-Filed June 17, 2026

THE STATE,

RESPONDENT,

V.

MEASHA JAQUETTA SHAWNIC JOYNER,

APPELLANT

APPELLATE CASE NO. 2024-000274

PETITION FOR REHEARING

On June 17, 2026, this Court affirmed Measha Joyner's convictions where she argued the trial court erred in denying her request to charge the jury on self-defense. *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026). Ms. Joyner respectfully requests rehearing pursuant to Rule 221(a), SCACR, considering the points overlooked and/or misapprehended by this Court, discussed below.

In the opinion this Court affirmed finding the trial court "exercised its discretion in declining to charge self-defense because Joyner failed to present evidence of at least one element

required to support such an instruction.” *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026) at 6. This Court further noted “we see no evidence in this record that Joyner was ever in imminent danger—or believed she was—because she was shooting from the backseat of a vehicle that was already driving away from the party when the later shots were fired.” *Id.*

This Court recognized the varied witnesses’ accounts of the events of the evening. However, this Court failed to acknowledge that by multiple accounts Ms. Joyner was fired upon before returning fire. Brianna Robinson testified that she heard a “second shot” after the fight broke up. R. 340:22-25. She then heard more gunshots and looked in the direction of the sound to see Ms. Joyner “hanging out the window shooting.” R. 341:3-342:18. Immediately after the incident, Jamie Zimmerman told police that Ms. Joyner was fired upon first. Def. Ex. 8 at 3:43–3:50. Timmons testified she heard shots “when” she put Ms. Joyner in the car. R. 301:3-7. Then, as she pulled out of the parking lot after she found Jolica Joyner, she heard gunshots coming from her backseat where Measha Joyner was. R. 293:17-294:9.

Initially, Zimmerman’s statement is what matters most for purposes of a self-defense instruction. If someone is being shot at, they can generally defend themselves. Therefore the trial court erred by summarily concluding, “I don’t find that it’s a self-defense case. Self-defense has not been alleged in this case.” R. 530:1-3. That decision was incorrect because evidence existed to warrant the charge.

It goes against reason to suggest that Ms. Joyner being shot at fails the “actual imminent danger of losing [her] life” element of self-defense. She did not have to sit helplessly in the back of a car waiting to be shot at again, thus, it was not unreasonable as a matter of law for Ms. Joyner to return fire in the hopes of subduing the aggressor. *See State v. Scott*, 424 S.C. 463,

472, 819 S.E.2d 116, 120 (2018) (quoting *State v. Dickey*, 394 S.C. 491, 501, 716 S.E.2d 97, 102 (2011)) (affirming immunity where defendant established self-defense because “[a] person has the right to act on appearances, even if the person's belief is ultimately mistaken,” where he killed a bystander who had not actually fired at him).

In the opinion, this Court went on to say “even if there were some hint of evidence that Joyner reasonably believed she was in imminent danger, we see no evidence that she lacked the ability to avoid such alleged danger while ‘in the backseat with her body halfway hanging out with her arm outstretched’ firing into the crowd as Timmons’s car left the scene.” *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026) at 7.

Some hint of evidence is evidence to support an instruction on self-defense. The standard for giving the instruction is not the majority of the evidence and it is not substantial evidence; it is *any* evidence. See *State v. Light*, 378 S.C. 641, 650, 664 S.E.2d 465, 469 (2008) (“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.”). “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) (quoting *State v. Cole*, 338 S.C. 97, 101, 525 S.E.2d 511, 512-13 (2000)).

Regarding the final element, ability to avoid danger, Ms. Joyner had no other means of escape—she was already in a moving car driving *away* from the gunfire; nothing more could be done. She did not have a legal obligation to sit idly by while being fired upon. Moreover, there is a legitimate way in which she had no other means of escape precisely because she was trapped in a moving car. See 30 Corpus Juris, *Homicide* § 239, at 68-69 (“Where accused already has his

back to the wall . . . he is not obligated to retreat or escape before taking life in self-defense.”). Importantly, whether Ms. Joyner could escape or her fear was reasonable are questions of fact for the jury. *See Dickey*, 394 S.C. at 502, 716 S.E.2d at 103 (“[T]he State failed to disprove beyond a reasonable doubt that Petitioner had no other probable means of avoiding the danger.”).

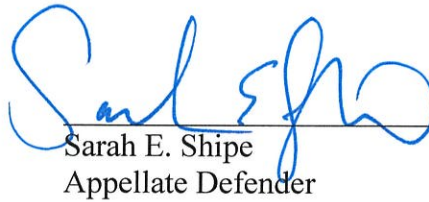
This Court’s opinion acknowledged that Zimmerman’s statements to police “arguably” provided evidence of some elements of self-defense, excepting the final element discussed above. *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026) at 7. Below is a summary of that evidence, which is discussed more fully in the brief of appellant.

Ms. Joyner was not at fault as a matter of law for bringing on the difficulty. Tanisha Timmons testified she and the Joyner sisters were jumped while leaving the party. R. 292:13-16, 299:16-25. Also, according to Gloria Whitehead and Jamares Robinson, Ms. Joyner had stopped fighting Deandra—and Deandra had left—approximately fifteen or twenty minutes before the shooting. Zimmerman’s statements were consistent with Brianna Robinson’s testimony she heard an unidentified “second shot” after Jackson broke the fight up because she knew only that the subsequent shots came from the Joyners’ vehicle. R. 340:22-25; 341:3-342:18. That can be true *and* the first shot in the firefight could have been at Ms. Joyner, which is precisely what Timmons testified: she heard gunshots when she put Ms. Joyner into the car. R. 293:2-23; 301:3-7. Taken together, and in a light favorable to Ms. Joyner, there is evidence in the record to support a charge on self-defense, and the trial court erred by denying it.

That the trial court charged the jury on the “defense of necessity” demonstrates its error in refusing to charge self-defense. As given, in context, that charge was functionally a self-defense charge except in one critical way: it placed the burden on Ms. Joyner to prove the necessity while the state is required to disprove self-defense beyond a reasonable doubt. *Dickey*,

394 S.C. at 499, 716 S.E.2d at 101 (citing *State v. Wiggins*, 330 S.C. 538, 544, 500 S.E.2d 489, 492 (1998)) (“[W]hen a defendant claims self-defense, the State is required to disprove the elements of self-defense beyond a reasonable doubt.”).

There was certainly “any evidence” to support the charge. Accordingly, Ms. Joyner respectfully requests this Court rehear the matter based on the trial court’s erroneous refusal to charge the jury on self-defense.



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ATTORNEY FOR APPELLANT

This 2nd day of July, 2026.

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Honorable H. Steven DeBerry IV, Circuit Court Judge

THE STATE,

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MEASHA JAQUETTA SHAWNIC JOYNER,

APPELLANT

APPELLATE CASE NO. 2024-000274

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 Brian H Gibbs, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Measha Joyner, #392804, at Leath Correctional Institution, 2809 Airport Road, Greenwood, SC 29649, this 2nd day of July, 2026.



Sarah E. Shipe
Appellate Defender

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ATTORNEY FOR APPELLANT

Bast, Daniel

From: Bast, Daniel
Sent: Thursday, July 2, 2026 9:47 AM
To: bgibbs@scag.gov
Cc: Shipe, Sarah; gracesommer@scag.gov
Subject: 2024-000274 - The State v. Measha Jaquetta Shawnic Joyner
Attachments: 2024-000274 - The State v. Measha Jaquetta Shawnic Joyner - Petition for Rehearing.pdf

Good morning,

Attached is a copy of the Petition for Rehearing in the above referenced case which will be filed today, July 2, 2026, with the Court of Appeals.

All the best,

Daniel Bast
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