

STATE OF SOUTH CAROLINA	]	IN THE COURT OF GENERAL SESSIONS
COUNTY OF MARION		TWELFTH JUDICIAL CIRCUIT
		Warrant No: 2023A3310100176 &
		2023A3310100177
STATE OF SOUTH CAROLINA,		Case No: 2024-GS33-0283 & 2024-GS33-
<i>Respondent</i>		0284
vs.		
		ORDER GRANTING IMMUNITY
CONNIE DENISE BETHEA,		PURSUANT TO SOUTH CAROLINA
<u>Petitioner</u>		CODE OF LAWS 16-11-41-, et seq.

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Jul 15 2026

SC Court of Appeals

Hearing Judge:

The Honorable William H. Seals, Jr.

Hearing Date:

May 12, 2026

Attorney for Petitioner:

Bradley C. Richardson

Attorney for the Respondent: Assistant Solicitor Ryan White

Court Reporter:

Kay H. Richardson

BACKGROUND

The Petitioner was charged with Murder and the Possession of a Weapon During the Commission of a Violent Crime on July 1, 2023. Brad C. Richardson, appearing on behalf of the Petitioner, Connie Denise Bethea, argues Petitioner is entitled to immunity from prosecution pursuant the South Carolina Protection of Persons and Property Act ("The Act"), also known as "Stand Your Ground" as codified in the South Carolina Code Sections 16-11-410, *et. seq.* Petitioner asserts she is immune from prosecution.

On the night of June 30, 2023, Connie Denise Bethea travelled from her home, which was located at 2564 Methodist Church Road, Marion, South Carolina 29571, and travelled to the neighboring county of Florence. She travelled by herself, leaving her husband, Antonio Bethea at their mutual home. Also present at 2564 Methodist Church Road was another adult couple who resided in a bedroom at said home along with their children.

Throughout the evening, Connie Bethea and Antonio Bethea exchanged several text messages. During these text messages, Antonio Bethea expressed his belief that Connie Bethea

was engaged in an extramarital affair, and that Connie Bethea would have to “pack her shit” and get out.

Shortly before midnight, Connie Bethea returned to the marital home and there was a verbal altercation near the master bedroom which was located in the rear of the house. Antonio Bethea demanded Connie Bethea pack her belongings and leave the house. Connie Bethea began to pack her belonging in an effort to leave the house. As Connie Bethea moved through the house with her meager belongings and moved toward the garage door where she would exit the house, Antonio Bethea left the Master Bedroom and approached Connie Bethea demanding her key to the house. Connie Bethea placed her belongs on the floor, surrendered her key to Antonio Bethea and when she bent to retrieve her belongings, her lawfully possessed Ruger LPD 380 pistol fell out of her bra. Antonio Bethea pushed Connie Bethea to the side and grabbed said firearm to take possession of Connie Bethea’s property. Connie Bethea was able to regain possession of her pistol and as she regained her footing told Antonio Bethea to “stay back” and not “come at her again.” Antonio Bethea lunged aggressively at Connie Bethea and Connie Bethea discharged a single shot, striking Antonio Bethea in the abdomen. Antonio Bethea was pronounced deceased in the early morning hours of July 1, 2023.

A hearing was held on this matter on May 12, 2026, before the Honorable William H. Seals, Jr., Twelfth Circuit Chief Administrative Judge for General Sessions. Present at the hearing were Connie Denise Bethea, Brad C. Richardson and Assistant Solicitor Ryan White on behalf of the State, After hearing testimony and presentation of evidence both the Defense and the State, Judge Seals finds the Petitioner is entitled to immunity by a preponderance of the evidence and therefore is granted immunity from prosecution pursuant to South Carolina Code Section 16-11-410, et seq.

SUMMARY OF TESTIMONY AND EVIDENCE

Connie Bethea testified that she and Antonio Bethea, as of June 30, 2026, had been married for approximately five (5) years but had been engaged in a relationship and living together for approximately ten (10) years. She further testified that at some point in approximately 2015, she and Antonio Bethea were laying down at the house when Antonio Bethea became upset and struck her forcefully in the eye and then began choking her. At some point, Antonio “came to his senses” and stopped choking her, apologized and swore he would never do that again.

Connie further testified that at some point during their relationship, she was staying at the house alone while Antonio Bethea was working on the road as a truck driver. At some point while she was alone, someone entered the house unlawfully but ran off when Connie Bethea awoke. This event caused Antonio Bethea insist that she and he take a concealed weapons permit class in an effort to obtain South Carolina Concealed Weapons Permit. Both took the course and applied for such permit. Connie Bethea was able to obtain this permit, but Antonio Bethea was denied. At this point, Connie Bethea learned that Antonio Bethea was denied due to a prior conviction for Criminal Domestic Violence 3rd Degree. Upon receiving her Concealed Weapons Permit, Connie Bethea purchased a Ruger LCP 380 and would normally keep it in her bra if on her person or in her console if driving her vehicle.

Connie Bethea testified that Antonio Bethea could be very controlling, often accusing her of engaging in extramarital affairs. She further testified that Antonio Bethea engaged in an extramarital relationship with a woman identified as “Dee Dee.” In the course of that relationship, a child was born, hereinafter identified as “M.B.” This child was born in approximately 2021, and Antonio Bethea was granted custody of M.B. Connie Bethea agreed to raise M.B., acting as the child’s mother.

Connie Bethea testified that the relationship began to slowly deteriorate and she considered leaving the marital home but did not. On the night of June 30, 2026, Connie Bethea testified that she decided to go to a bar/restaurant in Florence County, South Carolina, for the purpose of

drinking a beer, relaxing and shooting pool. She further testified that she invited Antonio Bethea to join her, but he declined and accused her of travelling to Florence to “screw somebody.”

Upon arriving at the bar/ restaurant, Connie recorded video of the bar/restaurant and sent the same to Antonio Bethea to show him that she was in fact at the bar and other people were there, Over the course of the evening, Antonio Bethea and Connie Bethea exchanged several texts messages. Antonio continued to accuse Connie of “cheating” on him and texted Connie that she would need to come and “pack her shit” and get out of the house. Connie Bethea testified that at this point she believed that Antonio Bethea was upset but was not being serious about forcing her out of the house.

After having one (1) beer and playing pool, Connie Bethea returned to the marital home shortly before midnight, parked her car and placed her handgun in her bra to take into the house so as to not leave it outside in a car overnight. She then entered the home through a door under the carport, walked through the laundry room to the kitchen/ dining room, down a hallway until she reached the rear bedroom she shared with Antonio Bethea. As she began to change clothes for bed, Antonio Bethea awoke and told her angrily to pack her belongings and get out. Antonio Bethea then got out of the bed and went to the bathroom. Connie testified that she followed Antonio to the bathroom, asking if he was “actually being serious.” Antonio angrily reiterated that she needed to pack her belongings and leave.

Connie Bethea further testified that she found a “tote” in a room, emptied it and began to pack her belongings. She gathered items from the master bedroom and from a spare bedroom. She then continued back down the hall, through the living room and back toward the dining room/ kitchen area. Upon reaching the area that leads from the dining room/ kitchen area to the laundry room, Connie testified that Antonio approached her angry and upset and demanded she surrender her house key. Connie testified that she dropped the tote that contained her belongs, removed the key from her key ring and sat it down on a counter. After surrendering the key, Conie Bethea bent over to retrieve her belongings, and her pistol fell from her bra.

Connie Bethea testified that once the pistol fell out of her bra, Antonio Bethea rushed toward her, pushed her forcefully and snatched the pistol up, placing it on a counter or some surface near him. Connie Bethea testified that due to his behavior, his past aggressions and present aggression and obvious agitation, that she was extremely afraid of what Antonio Bethea might do to her. As such, Connie Bethea moved forward and pushed Antonio Bethea to the side in an effort to reclaim her lawfully owned pistol. Upon regaining possession of her pistol, Connie testified she stood back up and saw that Antonio Bethea was glaring at her, causing her to yell at him to “stay back” and to not come toward her again. Connie Bethea then testified that at this point, Antonio Bethea lunged at her aggressively and she fired her pistol one time, unsure of where she struck him. Connie Bethea testified that Antonio fell forward and that she escaped the house with her belongings.

Upon escaping to her car, Connie Bethea testified that she called 911 and a family member of Antonio Bethea. She further testified that she remained at the scene, surrendered herself to the Marion County Sheriff’s Office and agreed to provide a post-*Miranda* statement to law enforcement.

The State, pursuant to oral stipulation agreement, introduced the 911 recording initiated by Connie Bethea on June 30, 2023.

The State called Tamara McCrater. Antonio Bethe and Connie Bethea had allowed Ms. McCarter and her boyfriend to reside at 2564 Methodist Church Road in a spare bedroom, and she and her boyfriend were present in the home the night of the June 30, 2023. Ms. McCarter had known Connie Bethea and Antonio Bethea for approximately ten (10) years. Ms. McCarter testified that she was not an eyewitness to the altercation that occurred on the night of June 30, 2023, but was aware of some pertinent information and did overhear parts of the altercation.

Ms. McCrater testified that she was aware of the following facts:

1. Connie Bethea left the house that evening to travel to Florence County

2. Antonio Bethea was upset that Connie Bethea was travelling to Flornce and that he thought she was having sex with someone else
3. Antonio Bethea was drinking the night of June 30, 2023
4. Antonio Bethea wanted to kick Connie out of the house

Ms. McCarter testified that she was aware when Connie arrived back at the home on June 30, 2023. She identified that her bedroom was across the hallway from the Master Bedroom and that the two (2) bedrooms shared a bathroom located in between the two (2) bedrooms. Shortly after Connie Bethea arrived home, McCrater testified that she overheard Connie Bethea speaking to Antonio Bethea at the bathroom and asking, "Are you really that angry?"

Ms. McCrater further testified that at some point the door to her bedroom was shut. She testified that she could hear what sounded like someone dumping out a container and then packing clothes or belongings. McCrater testified that at some point prior to the shooting, she heard what sounded like someone being shoved or items being thrown. McCarter stated that she did not hear raised voices but conceded that she was in a rear bedroom. McCarter testified that she heard a small "pop" and was unsure what the sound was. McCrater testified that neither she nor her boyfriend exited their bedroom until law enforcement came on scene. McCrater testified that she and her boyfriend both gave recorded statements to the Marion Cuntty Sheriff's Office.

The State called Detective Eric Nobles who testified that he assisted with the investigation, including an interview of Connie Bethea that occurred shortly after 3:00 AM on July 1, 2023. Detective Nobles agreed that the statement given by Connie Bethea was substantially the same as the testimony she provided during the hearing on May 12, 2026, including the prior incident of Domestic Violence. Nobles also testified that there was not an official crime scene diagram and that the State Law Enforcement Division's Crime Scene Unit was not requested to process the scene. He agreed that a complete search of the residence was not performed and was unaware if exterior video from the homes video system were taken into evidence.

A State Law Enforcement Division DNA report was entered by stipulation and referenced by Detective Nobles. This report showed no DNA from Antonio Bethea was present on the Ruger

LCP 380, nor was any DNA of Connie Bethea present in Antonio Bethea's fingernail clippings. The autopsy report for Antonio Bethea was also entered by stipulation and referenced by Detective Nobles. The report indicated that Mr. Bethea's death was caused by a single gunshot which entered just below his diaphragm and travelled front to back in a slightly downward trajectory. This report also showed Antonio Bethea's blood alcohol concentration, at the time of his death, was 0.086% which is above the legal inference of impairment in South Carolina.

STANDARD OF REVIEW

The Protection of Persons and Property Act provides immunity from prosecution when it applies. S.C. Code Ann. § 16-11-450 (2015). A claim of immunity under the Act requires a pretrial determination using a preponderance of the evidence standard. *State v. Curry*, 406 S.C. 364, 370, 752 S.E.2d 263, 266 (2013). In a pretrial hearing to determine whether the Petitioner is entitled to immunity under the Act, the Petitioner has the burden to prove by the preponderance of the evidence that he is statutorily immune from prosecution. *See State v. Duncan*, 392 S.C. 404, 411, 709 S.E.2d 662, 665 (2011). "[J]ust because conflicting evidence as to an immunity issue exists does not automatically require the [trial] court to deny immunity; the [trial] court must sit as the fact-finder at this hearing, weigh the evidence presented, and reach a conclusion under the Act." *State v. Cervantes-Pavon*, 426 S.C. at 451, 827 S.E.2d at 569. The trial court, "as the designated fact-finder in this matter, must provide adequate findings to support its decision so an appellate court can perform its role of reviewing the ruling under an abuse of discretion standard." *State v. McCarty*, 437 S.C. at 374, 878 S.E.2d at 912 (2022). *See also State v. Cervantes-Pavon*, 426 S.C. at 452 n.4, 827 S.E.2d at 569 n.4 (stating "specific findings of fact and conclusions of law are critical to reviewing courts, particularly given the gravity of the circumstances these cases necessarily involve"). Further, the ruling must be based solely on the evidence presented at the pretrial hearing. *Id.* at 452-53, 827 S.E.2d at 569. The circuit court is in the best position to assess witness credibility and make the necessary findings of fact. *State v. McCarty*, 437 S.C. at 375, 878 S.E.2d at 912 (2022).

LAW

The Act is stated as an attempt to codify the common law Castle Doctrine. The statement of legislative intent provides:

(A) It is the intent of the General Assembly to codify the common law Castle Doctrine which recognizes that a person's home is his castle and to extend the doctrine to include an occupied vehicle and the person's place of business.

(B) The General Assembly finds that it is proper for law-abiding citizens to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action for acting in defense of themselves and others.

(C) The General Assembly finds that Section 20, Article I of the South Carolina Constitution guarantees the right of the people to bear arms, and this right shall not be infringed.

(D) The General Assembly finds that persons residing in or visiting this State have a right to expect to remain unmolested and safe within their homes, businesses, and vehicles.

(E) The General Assembly finds that no person or victim of crime should be required to surrender his personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack.

Subsection (C) provides that a person who is not engaged in an unlawful activity and who is attacked in another place where he has a right to be has no duty to retreat and has the right to stand his ground and meet force with force, including deadly force, if he reasonably believes it is necessary to prevent death or great bodily injury to himself or another person or to prevent the commission of a violent crime as defined in Section 16-1-60. § 16-11-440(C).

The trial court should perform a proximate cause analysis when considering the requirements in subsection 16-11-440(C) that the person attacked must be someone who was "not engaged in an unlawful activity" and was in a "place where he had a right to be." *State v. McCarty*, 437 S.C. 355, 370, 878 S.E.2d 902 (2022). *See also State v. Glenn*, 429 S.C. 108, 124, 838 S.E.2d 491, 499 (2019) ("We also hereafter require circuit courts during pretrial Duncan hearings to conduct a proximate cause analysis before determining whether a person seeking immunity under the Act satisfies subsection 16-11-440(C), if applicable.").

In addition to the provisions of the Act, the trial court must also consider the elements of self-defense in determining whether the Petitioner is entitled to immunity from prosecution under the Act. *Curry*, 406 S.C. at 371, 752 S.E.2d at 266. This includes all elements of self-defense, save the duty to retreat. *Id.* First, the Petitioner must be without fault in bringing on the difficulty. *Id.* n.4 (citing *State v. Davis*, 282 S.C. 45, 46, 317 S.E.2d 452, 453 (1984)). "Any act of the accused in violation of law and reasonably calculated to produce the occasion amounts to bringing on the difficulty and bars the right to assert self-defense." *State v. Slater*, 373 S.C. 66, 70, 644 S.E.2d 50, 52 (2007) (holding that the Petitioner's act of approaching an altercation that was already underway with a loaded weapon by his side could be reasonably calculated to bring about the difficulty that arose in the case).

Second, the Petitioner must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury, or he actually was in such imminent danger. *State v. Curry*, 406 S.C. at 371, 752 S.E.2d at 266 n.4. The Act defines "great bodily injury" as "bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ." S.C. Code Ann. § 16-11-430(2).

Third, if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. *Curry*, 406 S.C. at 371, 752 S.E.2d at 266 n.4. The fourth element - the duty to retreat - is the element that is excused under the Act. *Id.* The accused must demonstrate the elements of self-defense,

save the fourth element, to the satisfaction of the trial court by the preponderance of the evidence. *Curry*, 406 S.C. at 372, 752 S.E.2d at 267.

FINDINGS OF FACT

Upon hearing the testimony and reviewing the evidence presented and viewing the facts in a light most favorable to the non-moving party, the Court makes the following findings of fact.

The Court finds it is uncontroverted that Connie Bethea, was a lawful resident of 2564 Methodist Church Road, Marion, South Carolina where she resided with her husband, Antonio Bethea. As a lawful resident of said residence along with the alleged victim, Connie Bethea may assert immunity from prosecution under South Carolina Code of Laws Section 16-11-440 (c), provided she satisfies the requirements under such section. Further, Petitioner was lawfully armed as she both possessed a concealed weapons permit and was on her own premises.

Further, the Court hereby finds:

1. Petitioner was taken into custody and provided a post-Miranda statement within hours of the shooting and that statement was consistent with her testimony in the present hearing.
2. Several years prior to this shooting, the alleged victim in the present case had beaten and choked Petitioner, leaving her with a blackened eye.
3. The alleged victim had a prior conviction for domestic violence which was testified to by both Connie Bethea and Detective Eric Nobles.
4. The night of the shooting, Petitioner had left the home in the early evening hours and travelled to a bar/ restaurant in Florence County and while Petitioner was at the bar/ restaurant, she and the alleged victim exchanged text messages. In these text messages, the alleged victim accused Petitioner of engaging in extramarital affairs and told her that she would have to pack her belongings and leave the home.

5. Petitioner returned to her home and upon entering the house, Petitioner was confronted by the alleged victim who angrily told Petitioner to pack her belongings and leave the house.
6. Witness McCarter overheard Connie Bethea ask if Antonio Bethea if he was serious (about her having to “get out”) and further overheard Connie Bethea tell Antonio Bethea to “get out of my way” as Connie Bethea attempted to gather her belongings.
7. Witness McCarter, testified that while Connie Bethea was assumedly packing her belongings she heard someone being pushed or something being thrown which is consistent with the testimony of Connie Bethea.
8. Witness McCarter could only testify as to what she heard as she did not see anything.
9. As Petitioner attempted to leave, the alleged victim exited his and the Petitioner’s bedroom, walked down a hallway and confronted Petitioner, demanding that Petitioner surrender her keys to the house.
10. Petitioner placed her belongings on the floor, removed the house key from her key ring and surrendered this key to the alleged victim.
11. As Petitioner bent over to regather her belongings, her pistol fell out of her bra and the alleged victim shove Petitioner and grabbed the pistol and placed this pistol somewhere adjacent to himself.
12. Petitioner, afraid due to the alleged victim’s behavior and his actions, pushed the alleged victim back and retrieved her pistol.
13. Immediately upon retrieving her pistol, Petitioner yelled at the alleged stay back and do not come toward her again.
14. Alleged victim then lunged toward Petitioner and Petitioner shot one time, striking the alleged victim in the abdomen.

15. Immediately after the shooting, Petitioner retreated outside to her car and called 911 and at least one of the alleged victim's family members.

16. The alleged victim's toxicology report indicated that the alleged victim was legally impaired at the time of this incident.

The Court further finds that although the State introduced a SLED DNA report showing that no DNA of the alleged victim was found to be present on the handgun, the Court considered this fact and found that this one fact is not dispositive and did not overcome the burden of proof as met by the Petitioner.

ANALYSIS

To obtain immunity, Petitioner must satisfy the first three (3) elements of self-defense by a preponderance of the evidence in addition to requirements of subsection 16-11-440 (c). Subsection (c) requires that the Petitioner must be someone who was not engaged in unlawful activity and was in a place where they had a right to be. Petitioner was in her own home and there is no evidence that she was engaged in any type of illegal activity.

The Court next addresses the first element of self-defense; the Petitioner must be without fault in bringing on the difficulty. The Court finds by a preponderance of the evidence that the alleged victim, Antonio Bethea, was agitated by Connie Bethea's travelling to a bar/restaurant and informed her that she would have to gather her belongings and leave the house. The Court finds that upon her return to her home, Connie Bethea was confronted by Antonio Bethea who told her again to gather her belongings and leave. The Court finds while Connie Bethea was attempting to leave with her belongings, Antonio Bethea angrily followed Connie Bethea toward the door where she intended to exit and in an angry and aggressive manner confronted Connie Bethea a second time. There is no testimony in the record that Connie Bethea sought out and attempted to confront Antonio Bethea. As such, the Court finds by a preponderance of the evidence that the Petitioner was not at fault in bringing on the difficulty and therefore satisfies the first element of self-defense.

To establish the second element of self-defense. Petitioner must have actually believed she was in imminent danger of suffering great bodily injury and/or death or was actually in such danger. The Court finds, by a preponderance of the evidence, that Petitioner actually believed she was in imminent danger of suffering great bodily injury and/or death or was actually in such danger. Antonio Bethea sent several angry text messages prior to Petitioner's arrival at the marital home. In the course of these messages, Antonio Bethea accused Petitioner of having an affair and said that she would have to pack her belongings and leave the home. While Petitioner testified she believed these text messages were "just playing," Petitioner testified that upon arriving at the home and being confronted by Antonio Bethea, she realized his degree of anger which caused her to, in fact, begin to pack her belongings in an effort to leave. The Court finds that when Antonio Bethea renewed the confrontation as Petitioner attempted to exit the home, he continued to be aggressive. Further, Petitioner was pushed to the side by Antonio Bethea, as testified to by Petitioner and supported by the testimony of the State's witness, McCarter, and Antonio Bethea took possession of Petitioner's pistol. The Court finds that this action combined with Petitioner's prior abuse by Antonio Bethea and the knowledge of his prior conviction for Domestic Violence, placed Petitioner in actual belief that she was in imminent danger of suffering great bodily injury and/or death or was actually in such danger. Finally, the Court finds that upon Petitioner retaking possession of her pistol and telling Antonio Bethea to stop the attack, Antonio Bethea disregarded such warning, whether due to his anger, aggression, level of intoxication or some combination of the same. The Court finds that the actions and behavior of Antonio Bethea immediately prior to the shooting in addition with the pre-existing knowledge and experiences of Petitioner caused Petitioner to actually believe she was in imminent danger of suffering great bodily injury and/or death or was actually in such danger. Therefore, the Court finds that Petitioner satisfies the second element of self-defense.

Finally, the Petitioner having established the first two (2) elements of self-defense, the Court must determine, by a preponderance of the evidence, whether a reasonably prudent person of ordinary firmness and courage would have entertained the same belief that he/she was in imminent danger. The Court finds that a reasonably prudent person would have actually believed he/she was in danger. The fact that Antonio Bethea was legally impaired by alcohol, demonstrated aggressive and angry behavior toward Petitioner, pushed Petitioner and took possession of her

property and lunged at her after being warned to “stay back,” coupled with the knowledge of Antonio Bethea’s prior violent behavior culminated to create an atmosphere wherein a reasonably prudent person would believe he or she was in imminent danger. The Court finds, by a preponderance of the evidence, that a reasonably prudent person of ordinary firmness and courage would have entertained the same belief that he or she was in imminent danger of death or great bodily injury.

CONCLUSIONS OF LAW

The Court concludes as a matter of law that it has personal and subject matter jurisdiction and venue is proper in the case at Bar.

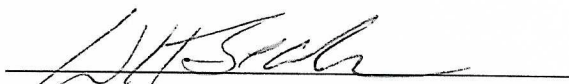
The Court concludes as a matter of law that Petitioner is entitled to the protections afforded by the Protection of Persons and Property Act, South Carolina Code of Laws Sections 16-11-410, *et seq.*, for the reasons set forth herein.

ORDER

IT IS HEREBY ORDERED ADJUDGED AND DECREED:

That the Petitioner is entitled to the protections afforded by the Protections of Persons and Property Act and Petitioner's motions is granted. Therefore, this Court finds Petitioner is immune from prosecution of the present charges in accordance with South Carolina Code of Laws, Section 16-11-450(A).

AND IT IS SO ORDERED.



The Honorable William H. Seals, Jr.
Chief Administrative Judge – General Sessions
Twelfth Judicial Circuit

July 1, 2026