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Jul 02 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

CLINTON WARREN BEEBE,

APPELLANT

APPELLATE CASE NO. 2022-000627

Appeal from Kershaw County

Honorable Daniel D. Hall, Circuit Court Judge

Opinion No. 2026-UP-301

PETITION FOR REHEARING

Pursuant to Rules 221 and 240, SCACR, counsel for appellant would petition for rehearing regarding this Court's holding in the above case that the admission of appellant's wife's prior bad acts testimony on appellant's alleged marital abuse was not properly preserved for review in light of the sufficiency of the objections on the same because this Court may have inadvertently overlooked proof that indeed all motions and objections were properly entered under Rules 401, 403, and 404, SCRE, and in line with precedent that "error preservation rules should not be applied in a technical manner...elevating form over substance."¹ See below.

¹ State v. Morales, 439 S.C. 600, 889 S.E.2d 551 (2023).

The deceased was fatally shot by appellant. Only two people (appellant and appellant's wife) witnessed the shooting. The state charged appellant with murder. Appellant's defense was that the shooting was an accident. Appellant's wife provided evidence of malice based on her testimony and statement that appellant flat out and point blank shot the deceased. In order to explain why she lied when giving her first statement to police (wherein she stated that the deceased left their home alive) it was revealed that she was afraid to inform law enforcement that appellant shot the deceased as she felt threatened to assert untruths because she was afraid of appellant due to the abuse appellant allegedly perpetrated upon her during the marriage.

At appellant's pretrial motions hearing, counsel sought suppression of statements from appellant's wife regarding alleged past abuse by appellant toward her. The state acknowledged there were statements regarding "chronic abuse that we would be talking about," but the trial court deferred the matter to be resolved during trial. R. 15, ln. 9—R. 17, ln. 1. Immediately prior to appellant's wife being called as a witness by the state, the motion regarding her anticipated testimony was raised again. R. 362, ll. 11-14. Counsel first objected to testimony of prior bad conduct by appellant toward his wife pursuant to 404(b), especially since the alleged physical conduct was purported to be years in the past and unrelated to the present matter. R. 362, ln. 9—R. 363, ln. 4. The state responded by claiming that the wife's new statements allege years of abuse with specific instances purportedly including appellant breaking her nose, and at one point putting a gun in her mouth. The state argued such testimony was relevant to explain the wife's motive for lying to police for several years until her final statement at the office of her attorney on March 30, 2022. Further, the state argued Rule 404(b) "never once says it has to be used for the defendant's motive. It says it's not admissible to show conduct in conformity therewith, and we're not doing that." R. 362, ll. 1-4. The state further argued as follows:

If you read the rule, Your Honor, it says evidence of other prior crimes, wrongdoings, or acts is not admissible to prove the character of a person in order to show action and conformity therewith. It may, however, be admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident, or intent. It never once says the defendant's motive, intent, or any of that.

And in this case, Your Honor, she is actually a codefendant and, therefore, a co-conspirator. So her motive, her intent is relevant and admissible. And so we wouldn't be using it to show his conformity or his actions at all. We're using it to show why she's in fear of him, why she acts accordingly, why she continues to cover up what happened, and why she did not tell law enforcement until recently.

R. 364, ll. 12-25. Counsel responded that "evidence of prior bad acts is inadmissible to show criminal propensity or to demonstrate the accused is a bad person." He also began asserting that the bad act must be logically related until he was stopped by the trial court. R. 365, ll. 16-18. Counsel further argued that permitting testimony of prior bad acts by appellant would predispose the minds of jurors to find appellant guilty and strip him of the presumption of innocence. Moreover, he maintained the defense had not put appellant's character in evidence, and that the state cannot now be allowed to do so. R. 365, ln. 23—R. 366, ln. 6. Counsel likewise argued such testimony by appellant's wife was not relevant under Rules 401 and 402, SCRE, and even if relevant the probative value would be "greatly outweighed by the prejudicial value." R. 367, ll. 9-21.

The state went on to acknowledge that appellant's wife is "not talking about [appellant] being violent to anyone else." R. 368, ll. 2-3. The state finally revealed the extent of what it sought to elicit as follows:

She is talking about to her he has been abusive their entire relationship to the point that he's broken her nose, he's dragged her in a car, he has put a gun into her mouth and what she would testify to is that the day this happened when the shooting occurred,

he had the same look in his eye as he did when he put the gun in her mouth and that he told her I will do to you what I've done before and I'll take you from your children. It goes directly to why she continued to cover this up and why she did not tell police he was no longer around her.

R. 368, ll. 3-14. Counsel referred to the March 30, 2022, statement of appellant's wife, wherein she indicated an alleged abuse (being dragged by a car) happened before appellant's wife and appellant were married in 2010, and that when asked again about things that happened the wife indicated it was years ago. R. 369, ll. 14-20.

The trial court determined that "the state is allowed to in a general way ask [Wife] why she testified one way in 2017 and why she testified another way in March of 2022." R. 370, ll. 4-6. The Court ultimately ruled as follows:

I don't have a problem with [the State] asking in a general sense why did you change, why did you say one thing in 2017, why did you say something else in 2022 in a general—in a general way about her fear, but to go into specific—you know, it's sort of a fine line. To go into specific instances of conduct about the defendant would be improper, and I'm not going to allow that in.

R. 370, ll. 18-24. The court then affirmed the state's understanding that appellant's wife could say "in general she was abused by the defendant throughout their relationship," but that she could not "get into specific instances." R. 371, ll. 2-13.

During appellant's wife's testimony, she was repeatedly asked by the state why she assisted in covering up the incident, and why she lied. R. 401, ln. 22—R. 402, ln. 4. R. 403, ln. 14; R. 408, ln. 10—R. 410, ln. 6. After giving various other answers, appellant's wife acknowledged appellant never threatened her life. R. 410, ln. 16. At one point, appellant's wife responded that "[t]here was no denying the cheating and the affairs because of the multiple children, but I tried to hide the abuse with makeup or with clothing and stuff like that." R. 412,

ll. 17-25. Finally, after more inquiry as to why she lied, the State elicited the following testimony from Wife:

Because there's not a day—not a day, a week, a month, or a year that he was just nice and good to me. Since I was 15 years old, he's always been abusive, mentally, emotionally, physically. If I wasn't physically being hit, then I was being told I was a stupid shit bitch or I was trash. I mean the list goes on and on. I was constantly being told—called names.

R. 422, ll. 4-6. Then again on re-direct examination, after appellant's wife acknowledged she told appellant she loved him when he was held in pretrial incarceration, the state asked the following series of questions:

Q: [D]id you say that to him after he abused you?

A: I would tell him that every, you know, day. It was a normal thing, yes.

Q: Even after he hit you?

A: Yes.

Q: Even after he called you fat?

A: Yes.

R. 497, ll. 15-25.

The state further posited alleged bad acts by appellant toward the wife in its cross-examination of appellant's witness, Steve Mooneyham. There, the state made the following line of questioning:

Q: So, Mr. Mooneyham, you stated that you never saw any physical signs of abuse?

A: That's correct.

Q: Did you ever see Dani's broken nose that she had?

A: I did not.

Q: How about the black eye that she had?

A: I did not.

Q: Were you there when he put her head through the wall?

A: I was not.

Q: Okay. How about when he put the gun to her face? Were you there for that?

R. 578, ln. 22—R. 579, ln. 7. A bench conference was held, and Counsel’s objection at the end of the line of questioning was sustained. R. 579, ll. 8-14.

On appeal, the following issue was raised on appellant’s behalf:

The trial court reversibly erred by permitting the State’s key witness—appellant’s wife—to testify regarding appellant’s alleged prior violence and abuse toward her as the basis for appellant’s wife lying to police where the alleged conduct was irrelevant to the charged offense, where it failed to meet the legal standards or exceptions required under Rule 404(b), where appellant did not first enter character trait evidence of his peacefulness or domestic tranquility, and where any probative value was substantially outweighed by the danger of unfair prejudice, confusion of issues, or misleading the jury.

This Court ruled that the issue raised on appeal was not preserved for appellate review and held as follows:

Beebe argues the trial court abused its discretion in admitting Dani’s testimony about his prior acts of abuse. The trial court did not clearly identify the basis for its admission of the challenged testimony. We initially address which grounds were pertinent to its admission. At trial, the State argued Beebe’s prior acts of abuse were admissible under Rule 404(b), SCRE, to show Dani’s motive for lying to law enforcement and covering up the shooting. Although Beebe and Dani were similarly charged with Dani’s murder, only Beebe was on trial at the time of Dani’s testimony. *See State v. Perry*, 430 S.C. 24, 30, 842 S.E.2d 654, 657 (2020) (“Rule 404(b) prevents the State from introducing evidence of a *defendant’s* other crimes for the purpose of proving his propensity to commit the crime for which *he* is currently on trial.” (emphasis added)). Precedent supports a conception of Rule 404(b) as allowing a defendant’s prior bad act to explain someone else’s conduct (such as Dani’s testimony that she lied to law enforcement). *See State v. Galloway* 443 S.C. 229, 244, 904 S.E.2d 866, 874 (2024). But even if that conception is inapplicable here, we see the testimony about prior abuse as plainly admissible for the purpose of impeaching Dani’s 2017 statement to law enforcement and bolstering the credibility of her trial testimony. *See* Rule 607, SCRE (stating witness credibility is subject to impeachment by the party calling the witness.)

Dani's testimony that Beebe intentionally shot Davis was the State's only evidence of malice. However, before Dani took the stand, her credibility was placed at issue by uncontested evidence that she was also charged with murder, had maintained for five years that Beebe was not involved in Davis's death, and that she did not implicate Beebe until less than a month before trial. Under these circumstances, Dani's testimony that Beebe's abuse made her too afraid to refuse the cover-up or to tell the truth until they had been separated for months tended to show: (1) her 2017 statement, no longer existed at the time of trial; and thus (3) her trial testimony was credible. Evidence of the prior abuse was admissible under Rule 608 to rehabilitate Dani's credibility in light of her prior inconsistent statement and delayed disclosure. *See* Rule 608(a), SCRE (providing for the admissibility of opinion or reputation evidence regarding the witness's truthful character after their truthful character has been challenged); Rule 608(c), SCRE ("[A]ny motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced.").

Whether the probative value of Beebe's prior abuse was substantially outweighed by the risk of unfair prejudice is a closer question, particularly given the absence of a limiting instruction and the narrow departures between Beebe's testimony and Dani's testimony. Here, as explained below, we are constrained by the lack of objection to any portion of Dani's testimony that exceeded the trial court's ruling. *See State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial [court].").

Beebe appears to contend that the trial court's error was in failing to *enforce* its exclusion of testimony about "specific instances" of the alleged prior abuse. Put differently, we understand his argument to be that the trial court allowed the State to go too far in eliciting testimony about the alleged abuse. Dani's trial testimony was not nearly as specific as the instances of abuse alleged in her proffer. Beebe asserts that Dani exceeded the scope of the trial court's ruling when she stated there was "not a day" since she was fifteen that Beebe had not abused her and that "[i]f [she] wasn't physically being hit," she was "constantly" being called derogatory names. Additionally, he avers the State ran afoul of the trial court's ruling when it elicited Dani's testimony indicating Beebe called her "fat," and when it cross-examined Mooneyham about specific instances of abuse.

We have already explained why some evidence of the alleged abuse was plainly admissible to rehabilitate Dani's credibility. If Beebe believed the State was exceeding the scope of the trial court's ruling, it was incumbent on him to object. The only objection to any of this testimony occurred when the State asked Mooneyham whether he was present when Beebe "put the gun to [Dani's] face." As we already noted, the trial court immediately sustained the objection. Because Beebe failed to raise and preserve any contemporaneous objections to the testimony he challenges on appeal, we find the trial court had no meaningful opportunity to consider whether the testimony violated its ruling prohibiting the discussion of specific instances of abuse. *See State v. Morales*, 439 S.C. 600, 609, 889 S.E.2d 511, 556 (2023) ("A trial court's opportunity to rule necessarily includes both parties being aware of the nature of the objection such that they may present their best arguments addressing *that* objection."); *id.* At 607, 889 S.E.2d at 555 (stating that "[w]hen additional evidence is offered" between a preliminary ruling and the admission of the evidence at issue, "an additional, contemporaneous objection is usually required" because "the evidence developed during [the interim] may warrant a change in the ruling" (alteration in original) (quoting *State v. Jones*, 435 S.C. 138, 144, 866 S.E.2d 558, 561 (2021))). Beebe never articulated to the trial court why its prohibition on testimony about "specific instances" of abuse should have applied to testimony about routine acts of hitting and name-calling that typified the abuse¹. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("[A]n objection must be sufficiently specific to inform the trial court of the point being urged by the objector."). Even on appeal, Beebe has not identified the juncture at which testimony describing specific contents of abuse would necessarily equate with testimony describing "specific instances" of abuse. In turn, this court is unable to meaningfully consider whether the trial court erred in allowing the testimony Beebe now challenges. *See Queens Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*, 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006) ("Issue preservation rules are designed to give the trial court a fair opportunity to rule on the issues, and thus provide us with a platform for meaningful appellate review.").

As a rule, general objections that do not specify a particular ground will not preserve a question for review in a case. *State v. Nelson*, 331 SC 1, 501 S.E.2d 716 (1998). An objection must be contemporaneous and specific. *State v. Sheppard*, 391 S.C. 415, 706 S.E.2d 16 (2011). However, an objection is sufficient when the Court can discern the basis of the objection from

the record, which in turn means issue preservation is not a one size fits all. State v. Heyward, 426 S.C. 630, 828 S.E.2d 592 (2019). Furthermore, see the Court’s holding on error preservation in State v. Morales, 439 S.C. 600, 889 S.E.2d 551 (2013), as follows:

We are mindful that issue preservation rules should not be applied in a technical manner as if this is some sort of game of “gotcha” elevating form over substance to trap trial lawyers so as to prevent the appeal of a legitimate issue. See Jones, 435 S.C. at 145, 866 S.E.2d at 561; *Herron v. Century BMW*, 395 S.C. 461, 470, 719 S.E.2d 640, 644 (2011) (“We are mindful of the need to approach issue preservation rules with a practical eye and not in a rigid, hyper-technical manner,”). One primary purpose of our issue preservation rules is to “give the trial court a fair opportunity to rule.” *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012) (quoting *Queen’s Grant II Horizontal Prop. Regime v. Greenwood Dev. Corp.*, 368 S.C. 342, 373, 628 S.E.2d 902, 919 (Ct. App. 2006)). A trial court’s opportunity to rule necessarily includes both parties being aware of the nature of the objection such that they may present their best arguments addressing that objection. This then serves another purpose of our rules—“meaningful appellate review.” *Id.* (quoting *Queen’s Grant II Horizontal Prop. Regime*, 368 S.C. at 373, 628 S.E.2d at 919).

In the case at bar, appellant’s issues were indeed preserved for appellate review. For example, see the following excerpts (pretrial) that clearly show error preservation in the case:

Defense Counsel: Your Honor, my other grounds for a motion in limine is to exclude witness testimony. There is some—there will be some testimony the state has alerted me to by giving me the audio, a two-hour—almost a two-hour statement given by the wife of the defendant, who is also charged with murder, in the presence of law enforcement and her lawyer, which sets out some what could be prior marital discord. Some of it was remote in time, some seven or eight years before this happened.

We think any of that evidence of infidelity and marital discord or whatever would allow the jury to have a predisposition on the guilt or innocence of the defendant. This has nothing to do with the elements of the crime of murder. It wouldn’t prove a motive, of course, intent, a common scheme or plan. So we don’t think any evidence of prior discord between the parties, the husband and wife, had anything to do with the murder charge, and it would predispose the jury to finding a verdict that would not be

proper based on what they think about marital discord meeting the elements of murder.

The Court: All right. And from the state?

Solicitor: Yes, sir, Your Honor. Infidelity...we weren't planning on going into any infidelity. So that's not really the issue. When he states marital discord, I assume he's talking about there's some allegations of physical abuse. So not just that they're not getting along, but some specific or some chronic abuse that we would be talking about, Your Honor. Tr. 68, l.10-p. 69, l.11.

Also, prior to appellant's wife's testimony, defense counsel objected as follows:

Defense Counsel: Your Honor, we have been provided with a videotape and an audio of potential testimony of Dani Beebe. In that, she mentioned some prior—perhaps prior misconduct that happened a long time ago. In fact, her testimony says it was a long time ago back when they were young.

Under 404(b), evidence of prior bad acts is inadmissible to show criminal propensity or to demonstrate the accused as a bad person. We don't think that any testimony about prior bad conduct between husband and wife is admissible to prove the elements of the crime of murder. And those—one of those acts, Your Honor, in her—and if we get to show the video, it'll show that she, in fact, said it happened a long time ago.

The Court: All right. Was there any time frame as far as long time ago?

Defense Counsel: Well, it said—they were married in 2010, and she said it happened a long time ago. And one—one witness said it happened seven or eight years ago. So yes, it happened prior to the marriage in my opinion based on the testimony that she gave us. Tr. 430, l.9-p. 431, l.4.

Defense Counsel: Your Honor, in my opinion that begs the question because January the 11th, 2017, some two weeks after Adam went missing, she appeared before Justin Dill and David Miller and gave a—about a two-hour statement after she had been warned of all her rights and everything, and in that statement she said she was not intimidated by him, he hadn't laid her hands—he hadn't laid his hands on her. She was not afraid of him.

So if you look at 404(b), if I may read, Your Honor, in other words evidence of prior bad acts is inadmissible to show criminal propensity or to demonstrate the accused is a bad person, and that's under *State v. King*. The effect of such evidence is to predispose the mind of the juror to believe the defendant guilty and thus essentially to strip him of the presumption of innocence. To be admissible, the bad act must logically—

The Court: Now, that's in the context of the defendant, statements that the defendant has given. What you're reading as well as I understand what you're reading to me, that case is in the context of a defendant's testimony. This is a—this is simply a witness.

Defense Counsel: I understand that. Your Honor, still—it still applies to the admissibility of prior bad acts of the defendant. So she's going to try to testify as to prior bad acts of the defendant in her statement. So that would predispose the mind of the juror to find him guilty and strip him of the presumption of innocence if she's trying to say he's a bad character. Then it gets into 601, character. He hasn't put his character in evidence, Your Honor, so I don't think she can now come in and put his character into evidence. Tr. 433, 1.2-p. 434, 1.7.

The Court: [Defense Counsel] anything else you wanted to add?

Defense Counsel: Other than, Your Honor, under Rule 608, you know, evidence of character or conduct, once again that would go to the witness, but I think relevancy. It's relevant under 401 and it's not relevant under 402 and that 404 strictly prohibits anything that would prejudice predispose the jury.

Another thing is, Your Honor, under 40—under I think 402 and 403, the probative value is greatly outweighed by the prejudicial value. The prejudicial value to her testifying on all of that, the probative value does not exceed the prejudicial value. It should be excluded under relevancy. It still has to be relevant to the elements of the crime of murder, which is malice aforethought. Tr. 435, 1.9-21.

In the end, defense counsel reiterated the objection near closing:

Defense Counsel: Your Honor, just out of an abundance of caution for the preservation of issues, as we all know how important that is, in her testimony she says we have not fought in a long time, in a very long time. That's why I want to knock on wood because we in our younger years, you know, we were both young. Has he ever put his hands on you? No, no, well, not in a long time. I mean he

hasn't beat my ass or something like now would have. So he didn't get [unintelligible] and hurt you? No. We have not fought in a long time. Tr. 439, 1.15-24.

Without a doubt, defense counsel gave an expansive outlay in reference to objections to appellant's wife's testimony in legal terms (prior bad acts prohibited) and under the rules (Rules 401, 403, 404, SCRE) all in support of the argument. Clearly, the matter of the inadmissibility of the bad acts testimony in question was thoroughly addressed and preserved for appellate review based on the proper objections and motions made at trial as outlined above. Defense counsel raised the issue and presented extensive discussions thereafter, all of which constituted the functional equivalent of sufficient error preservation on the inadmissibility of appellant's wife's testimony at trial. As a rule, where the question of preservation is subject to multiple interpretations, any doubt should be resolved in favor of preservation. State v. Williams, 417 S.C. 209, 789 S.E.2d 582 (2016). In addition, note the Court's ruling on motions in limine and error preservation in State v. Wiles, 383 S.C. 151, 679 S.E.2d 172 (2009) as follows:

Generally, a motion *in limine* is not a final determination; a contemporaneous objection must be made when the evidence is introduced. State v. Forrester, 343 S.C. at 642, 541 S.E.2d at 840. There is an exception to this general rule when a ruling on the motion *in limine* is made "immediately prior to the introduction of the evidence in question." *Id.* This exception is based on the fact that when the trial court's ruling is not preliminary, but instead is clearly a final ruling, there is no need to renew the objection. *Id.* (citing State v. Mueller, 319 S.C. 266, 268-69, 460 S.E.2d 409, 410 (Ct. App. 1995))

Our Courts do not require parties to engage in futile actions in order to preserve issues for appellate review. Staubes v. City of Folly Beach, 339 S.C. 406, 529 S.E.2d 543 (2000). In the case at bar, the admissibility of prior bad acts evidence was raised properly at trial and ruled upon by the trial judge as required. See State v. Brannon, 347 S.C. 85, 611 S.E.2d 283 (Ct. App. 2005).

WHEREFORE, based on the foregoing information, counsel for appellant would request that the Court grant the petition for rehearing in the case.

Respectfully Submitted,



WANDA H. CARTER
Chief Appellate Defender

This 2nd day of July, 2026.

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SC Court of Appeals

STATE OF SOUTH CAROLINA
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Appeal from Kershaw County

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CLINTON WARREN BEEBE,

APPELLANT

APPELLATE CASE NO. 2022-000627

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-entitled case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Clinton Warren Beebe, #387819, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 2nd day of July, 2026.



Wanda H. Carter
Chief Appellate Defender

ATTORNEY FOR APPELLANT

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Leverett, Scott

SC Court of Appeals

From: Leverett, Scott
Sent: Thursday, July 2, 2026 3:30 PM
To: Melody Brown
Cc: 'abennett@scag.gov'; Carter, Wanda
Subject: 2022-000627 - State v. Clinton Beebe - Petition for Rehearing
Attachments: 2022-000627 - State v. Clinton Beebe - Petition for Rehearing.pdf

Dear Ms. Brown,

Attached please find a copy of the Petition for Rehearing in the above referenced case, that is being filed today with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Wanda Carter
Appellate Defense