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SC Court of Appeals

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Subject: Appellant case num: 2026-001041
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Attachments: [STATEMENT OF WHAT OCCURRED AT STARBUCKS AND DEFENSE STATEMENT.pdf](#)

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STATEMENT OF WHAT OCCURRED AT STARBUCKS AND DEFENSE STATEMENT

Defendant: Jason Fetzer
Case Number: 20240610553758
Date of Incident: June 25, 2024
Location: Starbucks, 1400 Main St, Columbia, SC 29201

I. STATEMENT OF WHAT OCCURRED

I, Jason Fetzer, respectfully submit this statement concerning the events that occurred at the above Starbucks location on June 25, 2024.

I was inside Starbucks by myself, peacefully drinking my coffee and minding my own business.

Without first providing me with an explanation or informing me of any alleged problem, Starbucks employees contacted law enforcement.

When law enforcement arrived, the responding officer informed me that I was being given a trespassing warning and that I had to leave the premises or face being charged with trespassing and arrested.

At the same time, the officer was in possession of my state identification.

I demanded that my state identification be returned to me. My position was clear: **once my identification was returned to me, I would leave the premises.**

I also wanted to know why I was being required to leave and sought an explanation from Starbucks employees or management. The responding officer told me that **he could not allow me to speak with the employees or management to obtain that explanation.**

Thus, I was being instructed to leave while my state identification was simultaneously being held, and I was not permitted to obtain an explanation from the establishment concerning the circumstances that had resulted in law enforcement being called.

My demand for the return of my identification was directly connected to my departure. I intended to leave after receiving my own identification.

II. DEFENSE TO THE DISORDERLY-CONDUCT ALLEGATION

The circumstances surrounding this incident should be considered in their entirety.

I was peacefully present inside Starbucks before law enforcement became involved. Starbucks employees contacted law enforcement without first explaining any alleged problem to me.

When the officer arrived, the circumstances immediately involved a trespassing warning, an instruction that I leave, and the simultaneous possession of my state identification by law enforcement.

I requested the return of my identification and made clear that I would leave after receiving it.

I also sought an explanation from the Starbucks employees or management. The officer expressly told me that he could not allow me to speak with them.

The State must establish the specific conduct and legal elements necessary to constitute disorderly conduct. The mere fact that law enforcement was called or that an encounter became contentious does not, by itself, establish those elements.

III. VERBAL OBJECTION TO POLICE ACTION

South Carolina law recognizes constitutional protection for verbal criticism, objection, and challenge directed toward law enforcement.

In **State v. Perkins, 307 S.C. 373, 415 S.E.2d 771 (1991)**, the South Carolina Supreme Court recognized that the First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.

The relevant question is therefore what was actually said and done and whether the State can establish the required elements of the charged offense.

My statements and actions occurred in the context of police intervention while my state identification was being held and I was being instructed to leave.

I was seeking the return of my identification and intended to leave with it in my possession.

IV. MY STATE IDENTIFICATION

My state identification was being held by law enforcement while I was being instructed to leave Starbucks.

I had an immediate and legitimate interest in having my identification returned to me.

My demand for the return of my identification was directly related to my departure from the

premises.

My position was simple: return my identification, and I will leave.

I was not seeking to remain at Starbucks indefinitely. I was seeking to leave with my identification in my possession.

V. BEING DENIED AN OPPORTUNITY TO OBTAIN AN EXPLANATION

An important part of the circumstances was that I sought to understand why I was being required to leave.

I sought to speak directly with Starbucks employees or management concerning the reason for the police involvement and the demand that I leave.

The responding officer told me that **he could not allow me to speak with them.**

This left me in a situation where I was being directed to leave, my identification was being held by law enforcement, and I was simultaneously being prevented from obtaining an explanation directly from the people who had contacted law enforcement.

My attempt to obtain an explanation and my demand for the return of my identification should be considered in that context.

VI. THE CIRCUMSTANCES MUST BE CONSIDERED AS A WHOLE

The relevant sequence of events was:

1. I was peacefully inside Starbucks drinking my coffee.
2. Starbucks employees contacted law enforcement without first providing me with an explanation.
3. Law enforcement arrived.
4. The responding officer informed me that I was being given a trespassing warning and that I had to leave or face a trespassing charge and arrest.
5. The officer was simultaneously in possession of my state identification.
6. I demanded that my identification be returned to me.
7. I made clear that I would leave after receiving my identification.
8. I sought an explanation from Starbucks employees or management concerning why I was being required to leave.
9. The responding officer told me that he could not allow me to speak with the employees or management.
10. I therefore remained focused on obtaining my identification and addressing the circumstances surrounding my removal.

This sequence is essential to understanding the encounter.

VII. OBJECTIVE EVIDENCE

I respectfully request consideration of all available evidence, including:

- Starbucks surveillance footage;
- police body-worn-camera recordings;
- 911 recordings;
- dispatch records;
- police reports;
- statements from Starbucks employees;
- statements from witnesses;
- evidence concerning my state identification; and
- any other recordings or documentation concerning the incident.

The body-worn-camera recording is particularly important because it may establish exactly what the responding officer told me concerning my identification, my departure, and whether I could speak with Starbucks employees or management.

VIII. CONCLUSION

I was peacefully inside Starbucks, alone and drinking my coffee, when Starbucks employees contacted law enforcement without first explaining any alleged problem to me.

When law enforcement arrived, I was informed that I had to leave or face trespassing charges and arrest while my state identification was simultaneously being held.

I demanded the return of my identification and made clear that I would leave after receiving it.

I also sought an explanation from Starbucks employees or management concerning why I was being required to leave. The responding officer told me that he could not allow me to speak with them.

My conduct and statements must therefore be considered within the complete context of the encounter.

South Carolina law recognizes constitutional protection for verbal objection and criticism directed toward law enforcement. The State must establish the actual legal elements of disorderly conduct based upon the conduct alleged, rather than merely relying upon a characterization of the encounter.

I respectfully request that the Court consider the complete circumstances, the constitutional protections applicable to verbal objection to police action, and all available objective evidence.

I respectfully request dismissal of the disorderly-conduct charge.

I declare that the foregoing is true and correct to the best of my knowledge and belief.

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Defendant: Jason Fetzer

Signature: _____

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