

RECEIVED

Aug 21 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No. 2025-001260

State of South Carolina,

Respondent,

v.

David Lamar Thompson,

Appellant.

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

ZACHARY W. JONES
S.C. Bar No. 104174
Assistant Attorney General

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES	ii
APPELLANT’S STATEMENT OF THE ISSUE PRESENTED.....	iii
RESPONDENT’S COUNTERSTATEMENT OF THE ISSUE PRESENTED.....	iii
STANDARD OF REVIEW	1
ARGUMENT	2
The circuit court properly denied Appellant’s request for early parole eligibility where it found Appellant failed to present credible evidence proving that he formerly cohabitated with the victim or that he suffered a history of criminal domestic violence at the hands of the victim...	2
CONCLUSION.....	8

TABLE OF AUTHORITIES

Cases

<i>State v. Green</i> , 440 S.C. 292, 890 S.E.2d 761 (2023).....	1, 6
<i>State v. Wilson</i> , 345 S.C. 1, 545 S.E.2d 827 (2001)	1, 6
<i>State v. Quinn</i> , 430 S.C. 115, 843 S.E.2d 355 (2020).....	1, 4
<i>S.C. Dep't of Soc. Servs. v. Forrester</i> , 282 S.C. 512, 320 S.E.2d 39 (Ct. App. 1984)	1
<i>State v. Grooms</i> , 343 S.C. 248, 540 S.E.2d 99 (2000).....	2
<i>State v. Blackwell-Selim</i> , 392 S.C. 1, 707 S.E.2d 426 (2011).....	2, 3
<i>State v. Hawes</i> , 411 S.C. 188, 767 S.E.2d 707 (2015).....	3
<i>State v. Douglas</i> , 411 S.C. 307, 768 S.E.2d 232 (Ct. App. 2014)	6

Statutes

S.C. Code Ann. § 16-25-90.....	2, 3, 5
S.C. Code Ann. § 16-25-20.....	2
S.C. Code Ann. § 16-25-10.....	2, 3

APPELLANT'S STATEMENT OF THE ISSUE PRESENTED

Whether the trial court erred by denying appellant's motion for early parole eligibility under S.C. Code Ann. § 16-25-90 following appellant's voluntary manslaughter conviction despite credible evidence that appellant cohabitated with Youngblood and suffered a history of domestic violence from Youngblood?

RESPONDENT'S COUNTERSTATEMENT OF THE ISSUE PRESENTED

The circuit court properly denied Appellant's request for early parole eligibility where it found Appellant failed to present credible evidence proving that he formerly cohabitated with the victim or that he suffered a history of criminal domestic violence at the hands of the victim.

STANDARD OF REVIEW

“In criminal cases, this Court sits to review errors of law only and is ‘bound by the trial court's factual findings unless they are clearly erroneous.’” *State v. Green*, 440 S.C. 292, 300, 890 S.E.2d 761, 765 (2023) (quoting *State v. Wilson*, 345 S.C. 1, 5–6, 545 S.E.2d 827, 829 (2001)). “On appeal, the reviewing court does not reevaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial judge’s ruling is supported by any evidence.” *State v. Quinn*, 430 S.C. 115, 123, 843 S.E.2d 355, 359 (2020). In particular, appellate courts “should accord great deference to trial court findings where matters of credibility are involved.” *S.C. Dep’t of Soc. Servs. v. Forrester*, 282 S.C. 512, 516, 320 S.E.2d 39, 42 (Ct. App. 1984).

ARGUMENT

The circuit court properly denied Appellant's request for early parole eligibility where it found Appellant failed to present credible evidence proving that he formerly cohabitated with the victim or that he suffered a history of criminal domestic violence at the hands of the victim.

Following his 2015 conviction of voluntary manslaughter for the killing of Jennifer Youngblood ("Victim"), Appellant David L. Thompson sought early parole eligibility under S.C. Code Ann. section 16-25-90:

[A]n inmate who was convicted of . . . an offense against a household member is eligible for parole after serving one-fourth of his prison term when the inmate . . . presented credible evidence of a history of criminal domestic violence, as provided in Section 16-25-20, suffered at the hands of the household member.

Section 16-25-20 provides, "(A) It is unlawful to: (1) cause physical harm or injury to a person's own household member; or (2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril." A "household member" is defined in section 16-25-10(3) as "(a) a spouse; (b) a former spouse; (c) persons who have a child in common; or (d) a male and female who are cohabiting or formerly have cohabited."

The defendant seeking early parole eligibility bears the burden of proving a history of criminal domestic violence committed by the victim by a preponderance of the evidence. *State v. Grooms*, 343 S.C. 248, 254, 540 S.E.2d 99, 102 (2000). "[M]ere production of evidence does not automatically result in earlier parole eligibility; instead, the defendant must persuade the judge by presenting proof which leads the trier of fact to find that the existence of the contested fact is more probable than its nonexistence." *State v. Blackwell-Selim*, 392 S.C. 1, 4, 707 S.E.2d 426, 428

(2011). The legislature's use of the term "credible evidence" indicates that the defendant's evidence must be "trustworthy, not simply plausible." *Id.* Moreover, the court considering such a claim "must exercise discretion based on the evidence presented." *State v. Hawes*, 411 S.C. 188, 191, 767 S.E.2d 707, 708 (2015). Even where the court *does* find that the defendant has presented credible evidence of domestic violence suffered at the hands of the victim, the court is not "compelled" to grant early parole eligibility. *Id.*

On June 9, 2025, the Honorable Perry H. Gravely issued an order denying Appellant's request for early parole eligibility. Judge Gravely denied Appellant's request for two reasons: first, he found that Appellant and Victim were not "household members" for purposes of section 16-25-90; and second, he found that Appellant failed to present credible evidence of violence suffered at the hands of Victim.

First, the court noted that Appellant and Victim were never married and never had a child in common. Therefore, the only way they could be "household members" for purposed of section 16-25-90 would be if they cohabited at any time. *See* S.C. Code Ann. § 16-25-10(3) (defining "household members" as current or former spouses, persons with a child in common, or persons who currently or formerly have cohabited).

The only evidence suggesting that Appellant and Victim ever cohabited was the testimony of Victim's sister, Jackeline Zuniga, that Appellant was "sort of living in [her] house" for a period of time in 2008 or 2009. (Tr.p.59, line 23–p.60, line 1). Zuniga testified Appellant "shared a room" with Victim, ate meals and cleaned his clothes at the house, and lived with Victim "just like a couple, I guess, living at home." (Tr.p.60, lines 3–7). Zuniga testified that this state of affairs lasted "probably like a month or two." (Tr.p.60, lines 8–10).

The court acknowledged Zuniga's testimony. However, the court also noted that Victim's mother, Maria Usma, testified Appellant did *not* live with her family in 2008 or 2009, but was merely a guest "every now and then." (Tr.p.56, line 22–p.57, line 4). In addition, the court noted there was no evidence that Appellant received his mail at Victim's house, listed it as his address, had a lease, or otherwise formally resided at the home. Ultimately, the trial court determined Appellant had failed to prove he cohabited with Victim "by a preponderance of the evidence."

Appellant, citing Zuniga's testimony at trial, now argues the trial court erred because "the record supports" a finding that Victim and Appellant were household members through cohabitation. (Br.App.p.16). This Court, however, cannot reverse the lower court's factual findings merely because the record contains some evidence which, if believed, would "support" the opposite finding. On the contrary, "the reviewing court does not reevaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial judge's ruling is supported by any evidence." *Quinn*, 430 S.C. at 123, 843 S.E.2d at 359.

Clearly, there was conflicting testimony as to whether Appellant ever lived in Victim's home. Zuniga testified he was "sort of living in [her] house" for "probably like a month or two" in 2008 or 2009. Usma, however, testified that Appellant never lived in the house. The trial court appropriately considered the testimony of both witnesses, as well as the lack of documentary evidence supporting Appellant's claim that he formerly cohabited with Victim. The court's ultimate finding—that Appellant had failed to prove, by a preponderance of the evidence, that he actually cohabited with Victim—is clearly supported by the evidence in the record and should be affirmed.

This finding alone warrants the denial of Appellant's early parole eligibility request. If Appellant and Victim never cohabited, then they were never "household members" and, therefore,

section 16-25-90 does not apply. Nevertheless, the trial court did not stop there, but continued to evaluate whether Appellant had proved, by a preponderance of the evidence, that he suffered a “history of criminal domestic violence” at the hands of Victim.

Here, the trial court again determined Appellant failed to meet his burden of proof. The trial court acknowledged testimony from various witnesses that Appellant had previously reported one incident of criminal domestic violence allegedly committed by Victim in August of 2013, and it noted that a criminal charge arising out of that incident was pending against Victim at the time Appellant killed her. However, the trial court also noted Victim was never convicted of that charge. Furthermore, the court noted testimony that Appellant called the solicitor to recant his initial allegation against Victim and subsequently called Victim’s attorney’s office to say “it was all a misunderstanding.” The court also pointed out that the testimony about the incident itself was inconsistent: Appellant claimed the incident occurred while he was driving a car, and he denied getting medical attention or calling the police (Tr.p.258, line 15–p.262, line 22); however, Officer Sarah Napolitano testified Appellant called the police to report the incident, went to the hospital and had his wounds bandaged, and claimed that the assault occurred at his apartment in Greenville City. (Tr.p.310, line 8–p.312, line 5). Another witness, Sergeant Ramon Rivera, testified that Appellant told him he got the scars on his arm from working at a restaurant or as a bouncer at different clubs or restaurants. (Tr.p.317, lines 5–19). Appellant’s own lawyer, on cross-examination of Sergeant Rivera, asked him, “Is it fair to say that everything [Appellant] told you was a lie and didn’t make any sense?” (Tr.p.318, lines 17–18). Rivera replied, “Yes.” (Tr.p.318, line 19).

Appellant acknowledges the “inconsistencies” in his own account of Victim’s alleged violence against him. (Br.App.p.18). Nevertheless, he claims the trial court erred in not finding

that his accusation of criminal domestic violence by Victim “was more probable than not, given that several witnesses testified as to the existence of the pending charge and the incident.” (Br.App.p.18).

The mere fact that “several witnesses” testified to something does not automatically satisfy a “preponderance of the evidence” burden of proof—especially where, as in this case, most of those witnesses were merely repeating claims they had heard Appellant make about the incident, and where even those claims were often inconsistent with each other. Furthermore, it should go without saying that the mere existence of a criminal charge, which requires only “probable cause,” does not suffice to prove the charged crime actually occurred “by a preponderance of the evidence.”

The trial court was eminently justified in concluding that Appellant’s concededly inconsistent accounts of Victim’s supposed assault were insufficient to prove he actually suffered a “history of criminal domestic violence” at the hands of Victim. Once again, there is substantial evidence in the record to support the trial court’s conclusion, and it should not be disturbed on appeal. “In criminal cases, this Court sits to review errors of law only and is ‘bound by the trial court’s factual findings unless they are clearly erroneous.’” *Green*, 440 S.C. at 300, 890 S.E.2d at 765 (quoting *Wilson*, 345 S.C. at 5–6, 545 S.E.2d at 829); *see also State v. Douglas*, 411 S.C. 307, 316, 768 S.E.2d 232, 238 (Ct. App. 2014) (holding “the abuse of discretion standard of review does not allow this court to reweigh the evidence”).

Appellant does not allege any error of law in the trial court’s conclusions; his arguments on appeal merely amount to quibbling about the trial court’s weighing of the evidence. He has fallen far short of demonstrating that the trial court’s factual findings are “clearly erroneous.” The court properly considered the evidence presented at trial and concluded that Appellant failed to

prove, by a preponderance of the evidence, that he ever cohabited with Victim or that he suffered a history of criminal domestic violence at the hands of Victim. Either of those findings would be sufficient by itself to deny Appellant early parole eligibility; together, they overwhelmingly justify the trial court's decision to deny Appellant's request. This Court should affirm the decision of the trial court.

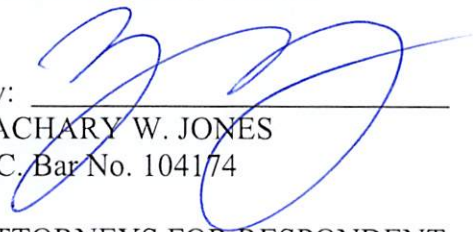
CONCLUSION

For the foregoing reasons, this Court should affirm the decision of the circuit court.

Respectfully submitted,

ALAN WILSON
Attorney General

ZACHARY W. JONES
Assistant Attorney General

By: 
ZACHARY W. JONES
S.C. Bar No. 104174

ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

August 21, 2026