

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable Daniel McLeod Coble, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TELVIN QUINTAVIS JACKSON,

APPELLANT

APPELLATE CASE NO. 2024-001198

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

**FROM THE NOVEMBER 16, 2023 IMMUNITY HEARING:
COURT’S EXHIBIT NO. 2 (911 CALLS), COURT’S EXHIBIT NO. 3 (INTERVIEW OF
DEFENDANT), COURT’S EXHIBITS NOS. 4-6 (PHOTOGRAPHS), AND COURT’S
EXHIBIT NO. 7 (MAP).**

**FROM THE JUNE 24-27, 2024 TRIAL:
STATE’S EXHIBIT NO. 3 (911 CALL RECORDING), STATE’S EXHIBIT NO. 4 (911
CALL RECORDING), STATE’S EXHIBIT NO. 5 (911 CALL RECORDING), STATE’S
EXHIBITS NOS. 14, 17, 19, 27-28, AND 31-33 (PHOTOGRAPHS), STATE’S EXHIBIT
NO. 59 (BODY CAMERA RECORDING), STATE’S EXHIBIT NO. 64 (SCREENSHOT),
AND DEFENSE EXHIBIT NO. 1 (BODY CAMERA RECORDING).**

YOURSELVES TO BE GOVERNED BY SYMPATHY, BY PREJUDICE, BY PASSION, BY PUBLIC OPINION, OR BY SOME OTHER CONSIDERATION NOT FOUND IN THE EVIDENCE.

DUTY TO DELIBERATE

LET ME SAY SOMETHING ABOUT YOUR DELIBERATIONS. “DELIBERATION” IS DEFINED AS “CAREFUL CONSIDERATION, WEIGHING UP WITH A VIEW TO DECISION.”

THE GENIUS OF OUR JURY SYSTEM IS THAT IT ALLOWS 12 GOOD MEN AND WOMEN, FROM 12 DIFFERENT BACKGROUNDS, LIFE EXPERIENCES, AND PERSPECTIVES TO CONSIDER THE EVIDENCE, TALK ABOUT IT, AND ULTIMATELY, REACH A VERDICT.

WE CALL THEM DELIBERATIONS FOR A REASON – YOU ARE TO CONSIDER THE EVIDENCE IN THIS CASE CAREFULLY AND DELIBERATELY – AND DISCUSS IT IN A CALM, THOROUGH, AND COURTEOUS MANNER.

LISTEN TO THE VIEWS OF ALL OF YOUR FELLOW JURORS; CONSIDER OTHER PEOPLE’S POINTS AND POINTS OF VIEW, AND TALK THROUGH AND DISCUSS THE EVIDENCE. AND REMEMBER: IF YOU ARE DOING SOMETHING DELIBERATELY, YOU ARE NOT IN A BIG HURRY, AND YOU SHOULD NOT BE IN A HURRY HERE. THIS CASE IS VERY IMPORTANT TO ALL THE PARTIES, AND THIS TRIAL IS THEIR ONLY DAY IN COURT.

WHEN YOU RETIRE TO THE JURY ROOM, YOU SHOULD DISCUSS THE CASE WITH YOUR FELLOW JURORS TO REACH AGREEMENT, IF YOU CAN DO SO. YOUR VERDICT MUST BE UNANIMOUS.

EACH OF YOU MUST DECIDE THE CASE FOR YOURSELF, BUT YOU SHOULD DO SO ONLY AFTER YOU HAVE IMPARTIALLY CONSIDERED ALL THE EVIDENCE, DISCUSSED IT FULLY WITH THE OTHER JURORS, AND LISTENED TO THE VIEWS OF YOUR FELLOW JURORS.

DO NOT BE AFRAID TO CHANGE YOUR OPINION IF THE DISCUSSION PERSUADES YOU THAT YOU SHOULD. BUT DO NOT COME TO A DECISION SIMPLY BECAUSE OTHER JURORS THINK IT IS RIGHT.

IT IS IMPORTANT THAT YOU ATTEMPT TO REACH A UNANIMOUS VERDICT BUT, OF COURSE, ONLY IF EACH OF YOU CAN DO SO AFTER HAVING MADE YOUR OWN DECISION. DO NOT CHANGE AN HONEST BELIEF ABOUT THE WEIGHT AND EFFECT OF THE EVIDENCE SIMPLY TO REACH A VERDICT. IN OTHER WORDS, DO NOT CHANGE YOUR OPINION SOLELY FOR THE SAKE OF REACHING A UNANIMOUS VERDICT.

VERDICTS

THERE ARE TWO POSSIBLE VERDICTS WHICH YOU MAY FIND IN THIS CASE: GUILTY OR NOT GUILTY. THERE IS NO SIGNIFICANCE WHATSOEVER IN THE ORDER IN WHICH I STATE THESE POSSIBLE VERDICTS; IT IS SIMPLY THAT ONE MUST BE STATED FIRST.

LADIES AND GENTLEMEN, YOUR VERDICT MUST BE A UNANIMOUS ONE. **MR./MRS.** FOREMAN, WHEN THE JURY AGREES ON THE VERDICT, YOU WILL WRITE THE VERDICT ON THE VERDICT FORM. THEN KNOCK ON THE JURY ROOM DOOR AND INFORM THE BAILIFF THAT YOU HAVE REACHED A VERDICT. AT THAT TIME, WE WILL RECEIVE YOU BACK INTO THE COURTROOM.

I ASK THAT YOU NOW RETURN TO YOUR JURY ROOM BUT DO NOT BEGIN DELIBERATIONS UNTIL YOU ARE TOLD BY THE CLERK OR THE BAILIFF TO DO SO. THERE ARE SOME MATTERS WHICH MUST BE DISCUSSED WITH THE ATTORNEYS BEFORE YOU BEGIN YOUR DELIBERATIONS.

RICHLAND COUNTY
 STATE OF SOUTH CAROLINA) FILED
) IN THE COURT OF GENERAL SESSIONS
 COUNTY OF RICHLAND 2024 JUL 21 Indictment Number: 2022-GS-40-04237
 Warrant: 2020AY010202863
 The State of South Carolina JEANEY T. ...
 C.C.R. G.S. MOTION AND MEMORANDUM IN
) SUPPORT OF MOTION TO EXCLUDE
) SELF-DEFENSE
 -vs-)
)
)
 Telvin Jackson,)
)
 Defendant.)
 _____)

NOW COMES THE STATE moving this Court to exclude any and all testimony or reference to the Defendant acting in self-defense during the trial. The Defendant was arrested on May 27, 2020, and charged with Murder for killing Khamori Scott (hereinafter "the Victim"). On November 16, 2023, a hearing to determine whether the Defendant should be immune from prosecution under the Protection of Persons and Property Act was held before the Honorable Clifton Newman and subsequently denied. Based on the Defendant's prior testimony, arguments made to the Court by his attorney, Tivis Sutherland, and statements made by the Defendant to law enforcement at the time of the murder, the State believes that at trial, the Defendant will argue that he was acting in self-defense when he shot the Victim and will try to introduce evidence and testimony to prove the same. Because the Defendant cannot provide any evidence that he was without fault in bringing on the difficulty that required him to shoot at the Victim, the State requests that any testimony referring to self-defense, including statements made by Attorney Sutherland in opening statement and closing argument, be excluded.

Viewing the facts in the light most favorable to the Defendant, the facts are as followed: Prior to the Victim's death on May 26, 2020, he and the Defendant had entered into a scheme

involving filing for unemployment due to COVID. The Victim would refer people to the Defendant, who would have them apply for unemployment through the Defendant's relative, an employee at the South Carolina Department of Employment and Workforce, which the Defendant referred to as "the unemployment office". The Defendant would then pay the Victim a "referral fee". On May 20, 2020, the Victim came to the Defendant's home to demand payment, but the Defendant was not home. According to the Defendant's testimony, the Defendant's girlfriend called the Defendant and told him the Victim was yelling and threatening to harm the Defendant if he didn't get paid, so the Defendant called the police. During the hearing, the Defendant introduced a text message purported to be from the Victim dated May 20, 2020 that the Defendant believed to be a threat from the Victim.

On May 26, 2020, the Defendant was sitting in his car in his driveway listening to music with his friends Dominique Weston and Brandon Jenkins. According to the Defendant, a car pulled up behind him, blocking his car in the driveway, and the Victim came to his open window with a gun. The Defendant alleged that the Victim put a gun to his head and told the Defendant give him money or he would kill him. The Defendant handed him cash, either \$200 or \$400, which the Victim threw back at him and walked away. At some point during the alleged confrontation, the car that had blocked the Defendant in was moved and he was able to leave the residence. Dominique Weston went into the Defendant's home and sat with the Defendant's girlfriend. The Victim, along with Brandon and another individual named "Black" remained outside of the Defendant's residence by their cars. When the Defendant left, he went to his father's home, which was roughly 2-3 minutes away. Once there, he retrieved a gun from either his sister, his sister's friend, or his brother and returned to his home. On the way there, the Defendant called 911, saying he had been robbed by the Victim, he was mad, and stating multiple times that he was going to

shoot the Victim once he got to his residence.

Upon returning to his residence, the Defendant pulled his car into his driveway while still on the phone with 911. The Victim was standing in the yard by either Brandon's or Black's vehicle without a weapon in his hands. The Defendant then got out of his car with the loaded gun at his side and in plain view, and walked towards the Victim while pointing the gun at him. The Victim saw the Defendant had a gun and reached for the gun that he had in a holster in his waistband. According to the Defendant, he shot his gun before the Victim could pull his gun, then ran through his backyard and into his neighbor's yard. The Defendant surrendered to police upon their arrival. EMS arrived and transported the Victim to the hospital, where he succumbed to his injuries. The Victim had one gunshot wound that went from his right side through his body and lodged into his left arm, and a graze wound to his right arm. Because the Defendant brought about the difficulty that required him to have to shoot the Victim, the jury cannot be given a self-defense instruction and the Defendant and his attorney should be precluded from stating or arguing that the Defendant acted in self-defense.

"A self-defense charge is not required unless it is supported by the evidence." *State v. Light*, 378 S.C. 641, 649, 664 S.E.2d 465, 469 (2008). For the Defendant to be entitled to a self-defense charge, the Defense must provide some evidence that:

- (1) The defendant was without fault in bringing on the difficulty; (2) the defendant was in actual imminent danger of losing his life or sustaining serious bodily injury, or he actually believed he was in imminent danger of losing his life or sustaining serious bodily injury; (3) if his defense is based upon his belief of imminent danger, a reasonably prudent person of ordinary firmness and courage would have entertained the belief that he was actually in imminent danger and that the circumstances were such as would warrant a person of ordinary prudence, firmness, and courage to strike the fatal blow in order to save himself from serious bodily harm or the loss of his life; and (4) the defendant had no other probable means of avoiding the danger.

Id. at 69-70, 644 S.E.2d at 52; *see also State v. Smith*, 406 S.C. 547, 555, 752 S.E.2d 795, 798 (Ct.

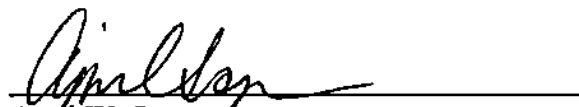
Ap. 2013) (stating that “going to a drug deal while armed with a deadly weapon is evidence of fault in bring on the difficulty”); *State v. Jackson*, 227 S.C. 271, 278, 87 S.E.2d 681, 684 (1955) (stating “one cannot through his own fault bring on a difficulty and then claim the right of self-defense”). In *State v. Slater*, 373 S.C. 60, 644 S.E.2d 50 (2007), our supreme court found there was no evidence to show the defendant was “without fault in bringing on the difficulty” and he was therefore not entitled to a self-defense instruction. 373 S.C. at 71, 644 S.E.2d at 53. In that case, the court stated that the defendant’s actions of carrying a “cocked weapon, in open view, into an already violent attack...proximately caused the exchange of gunfire, and ultimately the death of the victim.” *Id.* Our supreme court upheld this decision in *State v. Plumer*, 433 S.C. 300, 857 S.E.2d 796 (2021), stating the trial court did not err by not charging the law of self-defense, even though the victim was armed at the time of the shooting, because the defendant was not without fault in bringing on the difficulty. In *Plumer*, the defendant brought a gun to a drug deal that was occurring in the victim’s home. The evidence presented was that although he had a gun, the victim did not retrieve it until after the defendant pulled his gun and pointed it at the victim. The court stated “the only evidence presented suggested that Plumer was at fault for bring on the difficulty. Therefore...we find the trial court did not err by refusing to give a self-defense instruction.” 433 S.C. at 311, 857 S.E.2d at 801. In this case, it is undisputed that at the time of the shooting, the Victim was neither holding his gun nor doing anything with his gun. Furthermore, the only evidence that will be presented by either the State or the Defendant is that the Defendant left his home, retrieved a gun from his father’s home, called 911 stating he was going to shoot the Victim, and once he returned home, got out of his car, pointed the gun at the victim while walking towards him, then shot the Victim as he tried to pull his own gun.

This case is very similar to both *Plumer* and *Slater*. According to the Defendant, the Victim

was committing an armed robbery, so the Defendant left to go get a gun to either hold the Victim, until police could arrive, to get the Victim to leave the property, or to protect his family inside of the home. If the Defendant is believed, then he is bringing a gun to what he knows to be a dangerous activity, which is an ongoing armed robbery. Or, as the undisputed evidence shows, the altercation between the Victim and Defendant is over, and the Defendant approached the Victim with a loaded gun in open view, pointed it at the Victim, and when the Victim responded by going for his own gun, the Defendant shot him. In either scenario, the Defendant is not entitled to a charge of self-defense because he is not without fault in bringing on the difficulty. Therefore, the Defendant should not be able to assert a claim of self-defense at any time during the trial since the jury will not be able to receive a charge on the law of self-defense. If the Defendant or his attorney are allowed mention self-defense or state he was acting in self-defense, then the State will have to explain to the jury why they cannot find him not guilty if they feel he was acting in self-defense, even though they will never be charged on the law, or told by the Court why the Defendant cannot meet the criteria for self-defense. This would place an undue and unfair burden on the State and also lead to confusion for the jury.

Therefore, the State moves this Court to exclude any testimony referring to self-defense, including statements made by Attorney Sutherland in opening statement and closing argument.

Respectfully Submitted,



April W. Sampson
Circuit Deputy Solicitor, Fifth Judicial Circuit

June 21, 2024
Columbia, SC

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

The State of South Carolina,)

vs.)

Telvin Jackson,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS

Warrant Numbers: 2020A4010202863

MEMORANDUM CRITICIZING THE
STATES MOTION TO BAR SELF DEFENSE

2024 JUL -8 AM 8:28
JEANETTE W. MCBRIDE
C.C., S.S., & F.C.

RICHLAND COUNTY
FILED

TO: APRIL SAMPSON, DEPUTY SOLICITOR, 5th JUDICIAL CIRCUIT

I. THE STATE APPEARS TO BE ARGUING AGAINST A SELF-DEFENSE CHARGE PRIOR TO THE ADMISSION OF EVIDENCE IN A TRIAL

In a lengthy memorandum the State opines that a citizen who was robbed in his yard, in front of witnesses interviewed by the State, is not entitled to a self-defense charge. No evidence has been admitted for the jury to consider; there is no jury at all. The “precedent” submitted by the State coldly refutes the State’s bizarre proposition.

The motion should be summarily denied, and the State should cease obscuring the clear language of precedent through the clever use of ellipses and sentence fragments.

II. Analysis

a. “The Difficulty,” and other Avant Garde Government Takes on Case Law

Taking issue with the State’s catalog of facts would be pointless; none are on the record before the jury and some simply can’t and won’t be. Inaccuracies relative to the case law, however, are fundamental and, happily for all inflicted with the requirement of engaging in analysis of the State’s motion, concise.

1. The Curious Case of the Missing Relative Pronoun and Mr. Smith

The State would persuade a reader with fragments disguised as the whole; they cite *Smith* as precedent for depriving a jury of the option to consider self-defense as follows:

“(G)oin[ing] to a drug deal while armed with a deadly weapon is evidence of fault in bringing on the difficulty”¹

While factually irrelevant to the case at bar, there is fragmentation here; what is missing is the rest of the sentence “*which is a question of fact that must be determined by the jury.*” To quote *Smith* accurately is to obviate the State’s argument against the instruction.

This is the Rosetta Stone for the State’s entire argument, nothing is what it seems. To the contrary, everything is opposed to what it seems. This memorandum and argument is unworthy of scorn yet demands unfortunate further dissection.

2. The Ellipsis, and How Not to Use It

The State forsakes the partial quote in favor of ellipses citing *Slater*; there is more than one way to skin a cat,² as well as ways to favorably cite a case that, when read in the context of what the Court actually said, refutes the very argument the State is making on the record.

The State argues that, because the Defendant was able to flee an armed robbery that

victimized him *in his car, in his driveway, by his house, with his wife and children inside that house*, that he was then barred from returning home in possession of a firearm retrieved from his father's house. In support of this unprecedented proposition the State argues that its following citation of *Slater* spells doom for the Defendant's claim of self-defense;

“ In that case the Court stated that ‘*cocked weapon, in open view, into an already violent attack [.....] proximately caused the exchange of gunfire, and the death of the victim*’”.³

If there were odds in Vegas, that the language omitted in the ellipsis made *Slater* entirely distinct from what the State is arguing, and they cited it anyway through the clever deployment of ellipses; how would those odds look? At this point, the smart money is to take out a second mortgage on your home, sell everything inside the home that has no sentimental value, liquidate the entirety of your assets, and get to Vegas immediately.

What the Court actually held, prior to the States Elliptical Assault on the opinion follows:

“(H)e carried the cocked weapon, in open view, into an already violent attack **in which he had no prior involvement.**”⁴

I may be out over my skis here, but the dead guy robbing you (in your car, in your yard, et al.) minutes before you shoot him seems, to me, to be conclusive **prior involvement in the violent altercation**, particularly where the violent altercation was the dead guy robbing you, not you shooting the robber as the State claims.

3. Plumer, Another Irrelevant Drug Rip Case and the Last Ellipse

Last, and actually least, the State cites *Plumer*. Plumer robbed a guy at a drug deal; what does that have to do with a guy getting robbed at home (et al.). Nothing, but it needs to be addressed because it's being argued. With its last ellipse, the State makes the following citation:

“(T)he only evidence presented at trial suggested that Plumer was at fault for bringing on the difficulty. Therefore, [...] we find the trial court did not err by refusing to give a self-defense instruction.”

One wonders what was obscured by this ellipse:

“(W)e find the only evidence presented at trial suggested that Plumer was at fault for bringing on the difficulty. Therefore, ***the record contained no evidence from which a jury could have inferred Plumer acted in self-defense, and*** we find the trial court did not err by refusing to give a self-defense instruction⁵

Here a degree of inference is in order, as the State's alteration of the citation does not render it the very opposite of what the State argues; they are simply arguing a case that has nothing to do with this one. *This* is common and met with relief, however slight. “(T)he **record contained no evidence from which a jury could have inferred Plumer acted in self-defense, and.**”

The State cannot surpass a directed verdict without the Defendant's statement, in which he tells law enforcement that he was being threatened for days, and was robbed by the deceased moments before the shooting. The States own evidence compels the charge. This motion and memorandum achieves one thing; it wastes valuable time of the parties and the Court

III. Conclusion: “There is No Greater Harm Than Time Wasted” *Michelangelo di Lodovico Buonarroti Simoni*

The State’s motion is incomprehensible because it does not belong. Oscar Wilde observed that “irony is hypocrisy with style.”⁶ If a case the State cites does not directly contradict the State’s argument, it is irrelevant to it. Novel issues arise from time to time with scant support in the case law; not from cleverly edited case citations that directly contradict the argument in favor of the novelty.

This motion by the State dances with frivolity, if it doesn’t marry it, and the Defense asks that the States motion be DENIED.

(s) Tivis Sutherland SCBAR 69695
Attorney for Defendant
1516 B Richland Street
Columbia, SC 29201
(803) 237-9747

Columbia, South Carolina
This 24th day of June, 2024

Electronic signature and filing authorized pursuant to of the Order of the Supreme Court of South Carolina dated April 14, 2020

¹ State v. Smith, 406 S.C. 547, 555, 752 S.E.2d 795, 798 (Ct. App. 2013)

² Smith, Seba. Way Down East; or, Portraiture of Yankee Life : the original Major Jack Downing. 1854

³ State v. Slater, 373 S.C. 66, 67, 644 S.E.2d 50, 51 (2007); see State’s Memorandum In Support of State’s Motion to Exclude Self Defense in this case

⁴ Slater, at 67.

⁵ State v. Plumer, 433 S.C. 300, 311, 857 S.E.2d 796, 801 (Cl App. 2021)

⁶ See Wilde, Oscar. The Importance of Being Earnest, Leonard Smithers & Co., London, 1890
Note: Wilde is also credited with “A gentleman never insults anyone unintentionally.”

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

STATE OF SOUTH CAROLINA,

Plaintiff,

v.

TELVIN JACKSON,

Defendant.

CASE NO: 2020A4010202863

MOTION FOR NEW TRIAL

JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

2024 JUL -8 AM 8:28

RICHLAND COUNTY
FILED

Renewing all previous objections, the Defense does move for a new trial, including, but not limited to on following bases:

I. Protection of Persons and Property Act (§§ 16-11-410 — 16-11-450)

a. Stand Your Ground Hearing

Mr. Jackson was not engaged in an unlawful activity and was attacked in a place where he had a right to be. He was in his car, in his driveway, on the premises of his home when he was robbed at gunpoint. There is no duty to retreat when defending one's habitation; that much of the Immunity analysis should have been a given.

The State's tortured proposed order shamelessly misrepresented the factual record and South Carolina case law. (*See attached Memorandum Criticizing the States Arguments on the Issue of Self-Defense*).

The State refers to Mr. Jackson's statements as "self-serving" out of thin air without the support of a single contradictory witness, exhibit or fact throughout the litigation of this case. The Government blindly alleging a fact does not make it so this far West of Pyongyang. The history of this case tells us that the Government citing a fact makes it less likely to be so; citing a case during an argument makes it much less likely that the case supports the argument at all. The guiding light here is, win at all costs.

b. The "Findings of Fact" Unsupported by the Record

1. *The Defendant is not entitled to statutory immunity under the Act because there was no unlawful and forceful entry into the Defendant's dwelling, residence, or*

occupied vehicle and the Defendant was engaged in an unlawful activity and using his vehicle to further an unlawful activity.

a. This is false and contradicted by the record in this case;

1. The Defendant told responding officers, Investigators, and testified at the Immunity hearing that indeed a gun was placed to his head through the window of his car, in his driveway, in his carport, feet from a front door which obscured his family including small children inside the house. Further, he certainly has a right to be in all those places however counterintuitive the foregoing *finding* might be.

Nothing in the record of this case, not a scintilla of evidence, exists that might rashly disguise itself as contradicting those facts; *"Other than the victim allegedly robbing him, no one had done anything wrong."* is exemplary of the diseased arguments levied at this citizen. Win at all costs indeed.

2. The Defendant was engaged in unlawful activity; according to whom?

He wasn't charged with anything but murder; the State is making up crimes to win an argument the way that they perverted holdings in South Carolina case law to win legal arguments in the record of this case (*see attached*). Win at all costs indeed.

c. Defendant had no grounds to believe that deadly force was necessary to prevent great bodily injury or death, as to entitle him to statutory immunity under the Act.

1. Mr. Jackson was robbed, in his car, in his driveway, feet from his front door. This is uncontested. This *finding of "fact"* cannot be adduced from the record in this case. It is nonsensical and unworthy of further analysis

(I am a criminal defense attorney not Fyodor Dostoevsky. I submit that a fulsome catalog of the misstatements and inaccuracies that plague this case would distress the former).

d. The State's Order denying immunity, while signed, is inconsistent with the facts in the record of this case. The Order should be vacated and immunity granted as to any other offenses which might arise out of those facts. (Mr. Jackson was acquitted of Murder, rendering the motion moot as to that specific charge).

II. Voluntary Manslaughter Charge

The State requested and the Defense objected to a Voluntary Manslaughter Charge. The Defense was called by indictment to answer to the charge of murder, not voluntary manslaughter.

a. The State's theory follows:

"You can tell what is in a man's heart by the words that come out of his mouth."

They pursued a conviction based on a 911 call, in which Mr. Jackson is on the phone. The State alleged in opening, that Mr. Jackson and the victim had a minor disagreement about money, the disagreement had been "squashed," and that Mr. Jackson left, returned with a gun, and shot the alleged victim in anger, with malice aforethought. They pointed to the 911 call in which, among other things, Mr. Jackson stated that he was "going to shoot him." Those were the words that came out of his mouth, revealing that malice was in his heart.

The irony of the State's theory was that the last thing the State wanted was for the Jury to hear the words that actually did come out of his mouth; words like "robbery" and "gun in my face." Across several lengthy interviews with law enforcement Mr. Jackson pored over in exacting and minute detail everything that happened second by second. The alleged victim had barged into his house six days prior making threats; the police were called, the alleged victim was not arrested. Words about the alleged victim robbing him in his car, in his driveway just outside his front door; words about his walking up to the first officer on scene saying "It was me on the phone, I have a gun, I shot."

1. Jackson v. Denno Hearing

At the Jackson v. Denno hearing, the State introduced evidence from Investigator Gayeski, (formerly Master Deputy Gayeski). Gayeski testified that Mr. Jackson was in custody and was not free to leave. That Mr. Jackson was relating events pre-Miranda, was stopped, and fully advised of his rights, acknowledged those rights, and agreed to speak without a lawyer.

Investigator Hinson testified that Mr. Jackson was in custody, mirandized in his office cubicle, and further mirandized in the interview room. He further testified that people are moved from the cubicle "in order to audio and video record" the statement, as there is no recording device in the cubicle.

In the wake of the testimony Defense Counsel submitted to the Court that "as an Officer of the Court, I have no good faith basis to object to the statements." The Court then found that the statements to Gayeski at the scene and those to Hinson at the Sheriff's Department were freely and voluntarily made, that Mr. Jackson was advised of his rights multiple times, and that those statements were admissible into evidence.

It was unthinkable at this time that the jury would not see these statements. The State cannot move heaven and earth to obscure evidence from a jury, labelling it self-serving (disingenuously so) and then lay claim to a lesser included offense based on a 4 minute snippet of body cam footage that it fought tooth and nail to conceal from the jury. The burden was shifted, and the Defense was compelled into excessive litigation over the admissibility of statements which had previously been ruled admissible at the State's own hearing over their admissibility.

The State fought with steely determination to hide all of it from the jury, because they knew that they had an ace up their sleeve. Mr. Jackson was terrified of taking the stand after his experience in the Immunity hearing. The jury wasn't going to be allowed to hear any of it, after all the State has a right to a fair trial. Win at any cost.

"In the instant case, the State sought and secured an indictment for murder and predicated its entire case on the theory" that there was no problem, the "disagreement" i had been squashed, and everyone was just "chilling" in Mr. Jackson's yard (from which he had just fled). The State's entire case was that the difficulty was not the "disagreement" it was the shooting. They cannot now have their cake and eat it too.ⁱⁱ See State v. Sims, 426 S.C. 115, 147, 825 S.E.2d 731, 747 (Ct. App. 2019)

- 2. The State was not entitled to a Voluntary Manslaughter charge where it made no such case. The State went to great lengths to obscure any relevant, admissible evidence that might support such a charge from the jury's prying eyes. No second bites at the apple under these particular circumstances.**

III. Rule of Completeness

- 1. The State introduced a fraction of Mr. Jackson's statements to police. As a matter of fundamental fairness the jury should have had to opportunity to hear the remainder of his statements to police that were determined to be admissible in the Jackson v. Denno hearing.**

"When part of a conversation is put into evidence, an adverse party is entitled to prove the remainder of the conversation, so long as it is relevant, particularly when it explains or gives new meaning to the part initially recited. "All statements made in a conversation, in relation to the same subject or matter, are to be supposed to have been intended to explain or qualify each other, and therefore the plainest principles of justice requires that if one of the statements is to be used against the party, all of the other statements tending to explain it or to qualify this use should be shown and considered in connection with it."

State v. Jackson, 265 S.C. 278, 284, 217 S.E.2d 794, 797 (1975)

State v. Cabrera-Pena, 361 S.C. 372, 377, 605 S.E.2d 522, 524 (2004)

The 911 call was presented to the jury as contemporaneous with the shooting. Police responded immediately, the two witnesses fled one way the police arrived the other way. Mr. Jackson immediately emerged from hiding and began talking. This, despite the State's best efforts, is the record of the case. The State simply proclaimed the statements that it previously sought to admit "self-serving." No such determination was made by the Court. This will not do. The State sought the admission of these very statements and made no claim at the time that they were self-serving in any way; simply calling a rose by any other nameⁱⁱⁱ when it suits your purpose is not enough. Which parts are self-serving, which are not? (None frankly, the jury is clueless). The State shifts from having its cake and eating it too to "you cant throw out the baby with the bath water"^{iv} with chilling alacrity.

2. Two pages of the experts diagrams were admitted into evidence, one was not; the rule of completeness again

During the testimony of Dr. Darren Monroe, the State sought, with no objection from the Defense, the admission of two of three pages of diagrams from the pathologists report. The purpose was to assist the jury in understanding the condition of the body of the deceased at the time of the autopsy. There was a third page, which the Defense sought to admit under Rule 106 (completeness). The Defense motion was denied. This page showed the injuries but had additional notations around the body. One of these notations referred to a tattoo of an AK 47 (Russian Infantry Assault Rifle) on the deceased's cheek. A second notation referred to a tattoo on the arm of the deceased where our town was referred to as "Killumbia," These tattoos were significant enough to the pathologist performing the autopsy to include in his report. As a matter of fundamental fairness the defense does believe that it would have been significant to the jury as well, perhaps to the degree that all of these post-trial motions would be moot.

The State fought with steely determination to hide all of it from the jury, because they knew that they had an ace up their sleeve. Mr. Jackson was terrified of taking the stand after his experience in the Immunity hearing. The jury wasn't going to be allowed to hear any of it, after all the State has a right to a fair trial. Win at any cost.

IV. Conclusion

Based on the foregoing, but not limited thereto, the Defense does move for a new trial. A new trial under these circumstances would be just and proper. Mr. Jackson has been acquitted of Murder, but the State is free to pursue (or not pursue) an indictment for Voluntary Manslaughter should they believe it just.

Respectfully Submitted,

s/ Tivis Sutherland
 Tivis Sutherland
 (State ID 69695 Fed ID 10801)
 1516 Richland Street Suite B
 Columbia, SC 29201
 (803) 237-9747
 Email: TivisSutherland@bellsouth.net

July 7, 2024
 Columbia, South Carolina

ⁱ Robbery - the State refused to acknowledge it in their opening statement; responding officers had clearly been coached not to say the word "robbery;" they did not comply

ⁱⁱ Lewis, C., & Keren, G. (1977). You can't have your cake and eat it too: Some considerations of the error term. *Psychological Bulletin*, 84(6), 1150-1154.

ⁱⁱⁱ Shakespeare, William. *Romeo and Juliet* from *The Folger Shakespeare*. Ed. Barbara Mowat, Paul Werstine, Michael Poston, and Rebecca Niles. Folger Shakespeare Library 2024

^{iv} *Narrenbeschwörung: Mit einem Briefe Murners in Handschriftendruck* (Kritische Gesamtausgaben elsässischer Schriftsteller des Mittelalters und der Reformationszeit) (German Edition) Hardcover - December 1, 1990

RICHLAND COUNTY
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF GENERAL SESSIONS
Indictment Number: 2022-GS-40-04237

2024 JUL 9 PM 1:31

The State of South Carolina TANETTE W. McBRIDE 2020A4010202863

-vs- STATE'S RESPONSE TO DEFENDANT'S
MOTION FOR NEW TRIAL

Telvin Jackson,

Defendant.

NOW COMES THE STATE responding to the Defendant's Motion for a New Trial. Because the Defendant cannot provide any evidence or law requiring the overturning of previous rulings made by this Court, the Defendant's Motion for a New Trial should be denied.

I. FACTS

On November 16, 2023, a hearing was held before the Honorable Clifton Newman to determine whether the Defendant should be granted immunity under the Protection of Persons and Property Act. After hearing from the Defendant and Investigator Keenan Johnson, Judge Newman denied the Defendant's motion and issued an Order on December 20, 2023. The Order is attached as Exhibit A.

The following facts were provided through testimony and the introduction of evidence by the State and Defendant:

Prior to the victim's death on May 26, 2020, he and the Defendant had a dispute over money the victim believed was owed to him by the Defendant. On May 20, 2020, the victim came to the Defendant's home looking for the Defendant, but the Defendant was not home. The Defendant's girlfriend called the Defendant and told him the victim was yelling and looking for

the Defendant. The Defendant called 911, but when the police arrived, his girlfriend told them everything was fine and no report was filed. The Defendant's call to 911 was introduced into evidence at trial.

On May 26, 2020, the Defendant was sitting in his car in his driveway when a car pulled up behind him, blocking his car in the driveway. The victim came to the Defendant's car with a gun, put it to the Defendant's head and demanded money. The Defendant handed him \$200, which the victim gave back to him and walked away. At some point during the alleged confrontation, the car that had blocked the Defendant in was moved and he was able to leave the residence. The victim, along with 2 other individuals subsequently determined to be Antwan Robinson aka "Black" and Brandon Jenkins, remained outside of the Defendant's residence in their cars. The victim texted his girlfriend, told her that he had "drew down" on the Defendant, and Defendant gave him the money. The victim told her that the Defendant apologized, they made up, he gave the Defendant back his money, and he was sitting in the Defendant's yard waiting for him. When the Defendant left, he went to his father's home, retrieved a loaded handgun and left. The Defendant then started driving back to his home, and on the way there, he called 911. Defendant told the 911 operator that 1) he had been robbed by the victim, 2) the victim had put a gun to the Defendant's head, 3) the Defendant had gone to get his gun, 4) the Defendant was mad, and 5) the was going to shoot the victim once he got to his residence. Once he pulled into his driveway, the Defendant hung up on 911.

Upon returning to his residence, the Defendant got out of his car with the gun in his hand and walked towards the victim. The victim saw the Defendant had a gun and reached for his gun. The Defendant then shot the victim and ran into his neighbor's back yard. The victim called 911 and stated that the Defendant had shot him in the stomach. Both calls to 911 by the Defendant and

the victim were introduced at trial. Upon their arrival, law enforcement located the Defendant in his neighbor's yard armed with a handgun. Deputy Behney retrieved the handgun from the Defendant, handcuffed him, and placed him in the back of her police car. Law enforcement found a second handgun in the Defendant's yard and 2 fired shell casings. EMS arrived and transported the victim to the hospital, where he had emergency surgery. The victim died during surgery from cardiac arrest that resulted from the gunshot wound. The victim was shot one time in the side, with the bullet traveling through his body and entering his left arm, where it was retrieved by the pathologist. An expert in ballistics was qualified and testified that the fired shell casings were fired from the gun obtained from the Defendant and that the bullet found in the victim's arm was consistent with being fired from that same gun.

At trial, over the objection of the State, the Defendant's initial statement to law enforcement was introduced by the Defendant. The Defendant stated that 1) the victim had put a gun to his head and robbed him, 2) he went to his father's house to get the gun, 3) the victim was with people whom the Defendant did not know, 4) when the Defendant returned to his home, he approached the victim with the gun in his hand, 5) the victim reached for his gun so he shot him and ran. Shadashia Mayo testified that the Defendant did know both Brandon and Antwan and that all of them had not only hung out together at the Defendant's home, but also vacationed together.

II. STANDARD OF REVIEW

"The conduct of a criminal trial is left largely to the sound discretion of the trial judge, who will not be revised in the absence of a prejudicial abuse of discretion." *State v. Reyes*, 42 S.C. 394, 401, 853 S.E.2d 334, 337-38 (2020) (quoting *State v. Bryant*, 371 S.C. 305, 312, 642 S.E.2d 582, 586 (2007)). "An abuse of discretion occurs when a trial court's decision is unsupported by the

evidence or controlled by an error of law.” *Id.* at 401, 853 S.E.2d at 338 (quoting *Bryant*, 372 S.C. at 312, 642 S.E.2d at 586).

III. ARGUMENT

A. The Defendant’s Motion for a New Trial should be denied because Judge Newman properly denied Defendant immunity under the Protection of Person and Property Act.

The Defendant argues that “The State’s Order denying immunity, while signed, is inconsistent with the facts in the record of this case. The Order should be vacated and immunity granted as to any other offenses which might arise out of those facts.” For this court to determine that Judge Newman’s ruling should be overturned, the court must review Judge Newman’s determination for abuse of discretion which only occurs when the court’s “ruling is based on error of law or, when grounded in factual conclusions, is without evidentiary support.” *State v. Marshall*, 428 S.C. 11, 18, 832 S.E. 2d 618, 621-622 (Ct. App, 2019). Although Mr. Sutherland, attorney for the Defendant, makes incorrect and inflammatory statements that the State “misrepresented the factual record and South Carolina case law” and the State wants to “win at all costs”, he cannot and does not point to one fact or piece of evidence that was relied upon by Judge Newman in making his decision that was not in the record of the hearing. Furthermore, despite Mr. Sutherland’s salacious allegations about the State and the court’s Order, he again cannot and does not point to what ruling is not based on the law or ground in factual conclusions without evidentiary support; he simply disagrees with the Judge Newman’s conclusions. Judge Newman issued a lengthy twelve-page Order which detailed the facts, evidence, and law he relied upon to determine that the Defendant should be denied immunity. Because there is absolutely no evidence that Judge Newman abused his discretion when denying the Defendant’s motion for immunity, the Defendant’s request for a new trial should also be denied.

B. The Defendant's Motion for a New Trial should be denied because the evidence presented supported giving the Voluntary Manslaughter charge.

The Defendant argues that the State “was not entitled to a Voluntary Manslaughter charge where it made no such case. The state went to great lengths to obscure any relevant, admissible evidence that might support such a charge from the jury’s prying eyes. No second bites at the apple under these particular circumstances.” For some unknown reason, Mr. Sutherland relies in part on testimony and arguments made during the pretrial hearing held to determine the voluntariness of the statements made by the Defendant while in custody, despite the State not introducing any statements made by the Defendant because such statements were self-serving. Mr. Sutherland goes on to proclaim that “the State refers to Mr. Jackson’s statements as “self-serving” out of thin air”. It should be noted that not only did the State refer to the Defendant’s statements as self-serving during the immunity hearing, but also if Mr. Sutherland properly read the State’s Proposed Order that was submitted to and subsequently signed by Judge Newman, the State categorized the Defendant’s testimony and statements as self-serving on more than one occasion.

Moving past his irrelevant discussion of the pretrial hearing, Mr. Sutherland argues that the Voluntary Manslaughter charge should not have been given and cites *State v. Sims*, 426 S.C. 115, 825 S.E.2d 731 (Ct. App 2019) as supporting his argument. However, despite Mr. Sutherland arguing that the State “citing a case during an argument makes it much less likely that the case supports the argument at all”, that is exactly what he has done. “To warrant the court eliminating the charge of manslaughter, there must be no evidence whatsoever tending to reduce the crime from murder to manslaughter. If there is any evidence from which it could be inferred the lesser, rather than the greater, offense was committed, the defendant is entitled to such charge.” *State v. Payne*, 434 S.C. 121, 137, 862 S.E.2d 81, 89 (Ct. App. 2021). Although in *State v. Sims*, the Court

of Appeals did rule that the Voluntary Manslaughter charge should not have been given, the Court's decision was based on the testimony given by the Defendant at trial, wherein she stated that the victim started a physical altercation with her, she armed herself because she was scared and wanted to scare the victim, the victim threatened her, she backed away from victim, and when the victim lunged at her, she shot the gun and didn't mean to shoot him. *Id.* at 137-138, 825 S.E.2d at 742-743. Viewing the evidence in the light most favorable to the Defendant, there was evidence of legal provocation and that he acted in the sudden heat of passion. Unlike in *Sims*, the Defendant exercised his right not to testify, so the only evidence presented was the Defendant's 911 call right before the shooting and his initial statement made while handcuffed in the back of the police car. During that call, the Defendant stated the victim had robbed him and put a gun to his head, that he (Defendant) was mad, he went and got his gun, and three times stated he was going to shoot the victim when he returned to his property. Within seconds of saying that, the Defendant shot the victim. In his interview, the Defendant stated the same, but added that people were with the victim and he did not know them (which was false), and upon his return, he walked up to the victim with his gun in his hand, and the victim then started reaching for his own gun, so the Defendant shot him. Based on the statements made by the Defendant, a jury could infer that he was legally provoked by the victim robbing him at gunpoint and that he was so angry that he retrieved a gun from his father's home, returned to his residence, and shot the victim before the Defendant had time to cool down. This case is more akin to that of *State v. Knoten*, 347 S.C. 296, 555 S.E.2d 391 (2001), wherein the Court stated a Voluntary Manslaughter charge was appropriate when the victim and defendant were in a heated argument and the victim cut defendant, the defendant left to arm himself, then returned and killed the victim or *State v. Payne*, 434 S.C. 121, 862 S.E.2d 81 (Ct. App. 2021) wherein the Court of Appeals held that a Voluntary Manslaughter charge should

have been given when the defendant testified that he acted in self-defense but evidence was presented that victim and defendant argued, and after victim walked away, defendant returned and shot the victim. Furthermore, in *State v. Starnes*, 388 S.C. 590, 698 S.E.2d 604 (2010), our Supreme Court held “an unprovoked attack with a deadly weapon or an overt threatening act can constitute sufficient legal provocation,” and “fear resulting from an attack can constitute a basis for voluntary manslaughter.” *Id.* at 598, 698 S.E.2d at 608-609. In that case, the Court ruled that because the Defendant testified the shooting happened out of fear, there was no evidence to indicate he was out of control as a result of his fear or acting out under an uncontrollable impulse to do violence. For these reasons, the Defendant’s Motion for a New Trial based on the jury being instructed on Voluntary Manslaughter should be denied.

C. The Defendant’s Motion for a New Trial should be denied because the Rule of Completeness was not violated.

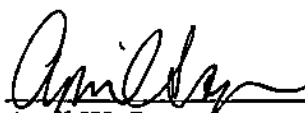
During the trial, the State admitted both 911 calls made by the Defendant as well as the 911 call made by the victim. The State also admitted two anatomical drawings of the victim created by Dr. Monroe, the pathologist who performed the autopsy on the victim. As to the 911 call and statements made by the Defendant, Mr. Sutherland argues that the State “simply proclaimed the statements (made by Defendant to law enforcement after the shooting) that it previously sought to admit “self-serving”. No such determination was made by the Court. This will not do. The State sought admission of these very statements and made no claim at the time that they were self-serving in any way”. Mr. Sutherland cites *State v. Jackson*, 265 S.C. 278, 217 S.E.2d 794 (1975) to argue that because the calls were admitted, that the statements made to law enforcement after the shooting should be admitted as part of the same conversation. Again, Mr. Sutherland is doing what he accuses the State of doing which is misrepresenting the law and facts. In *Jackson*, the Court ruled that the trial court correctly overruled the Defendant’s objection allowing the State

to solicit hearsay testimony from a defense witness during cross-examination when the defense had asked the witness about part of a conversation, stating “when part of a conversation is put into evidence, an adverse party is entitled to prove the remainder of the conversation.” *Id.* at 284, 217 S.E.2d at 787. In that case, the adverse party was the State because the defendant had only admitted part of the interview of witnesses about their identification of the defendant, and the Court ruled the State was properly allowed to ask about the rest of the interview with the witness about the identification. In this case, the Defendant did not object to the introduction of the 911 call, nor did he ask any questions to the 911 operator who testified during the trial. The entirety of the call was introduced into evidence, including the call from 911 to the Defendant after he hung up. Any conversation the Defendant had with law enforcement was after the shooting, and with different people than he was speaking with during the 911 call. Any interview or conversation had with law enforcement by the Defendant was not part of the initial conversation with 911, and was properly excluded as hearsay. The State objected as to any of the Defendant’s statements to law enforcement being introduced by the Defendant through the State’s witnesses as hearsay, and over the State’s objection, the trial court allowed Mr. Sutherland to introduce the initial interview with Deputy Gayeski as an excited utterance exception to hearsay. Furthermore, Mr. Sutherland cannot and did not provide any rule or case law that requires the trial judge to determine that a defendant’s statement is self-serving before the State can call it self-serving. The statements made by Defendant that only go to support his claim of self-defense, such as I shot him because he was about to shoot me or I shot because I was scared, are by definition self-serving. Additionally, and what seems to be beyond the grasp of Mr. Sutherland, is that whether or not the statements were self-serving is not why they are inadmissible; they are inadmissible because they are hearsay and no exception is applicable.

As to the anatomical drawings, Mr. Sutherland argues that the victim's tattoos "were significant enough to the pathologist performing the autopsy to include in his report" and "the State fought with steely determination to hide all of it from the jury, because they knew that they had an ace up their sleeve. Mr. Jackson was terrified of taking the stand after his experience in the Immunity hearing." Again, Mr. Sutherland is blatantly misstating the testimony that was provided. During in camera questioning outside the presence of the jury, Dr. Monroe testified that the page the Defendant sought to introduce was not a necessary part of his report and did not contain any relevant information, and that the only pages that would help him in his testimony were the two pages that were admitted. Furthermore, the trial court properly ruled that since there was no evidence that the Defendant knew about the victim's tattoos prior to his death or the meaning of the tattoos, and neither did Dr. Monroe, admitting such into evidence would do nothing but inflame the jury and any probative value would be outweighed by the prejudicial effect. Lastly, the State had no way of knowing whether or not the Defendant would testify until after the State rested and the Defendant indicated he was not going to testify after being advised of his rights by the trial judge. The State even argued as much during pretrial when discussing whether either party should be able to mention self-defense in their opening statements since the only way such evidence would come in was if the Defendant testified, and the State did not know whether he would or not. Therefore, the rule of completeness was followed as it pertained to the 911 call and the anatomical drawings, and the Defendant's Motion for a New Trial should be denied.

The jury made its decision based on the evidence presented and the law given to them, including the law on self-defense and defense of habitation, and their verdict of guilty of Voluntary Manslaughter should stand. For the reasons stated, the State moves this Court to deny the Defendant's Motion for a New Trial.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'April W. Sampson', written over a horizontal line.

April W. Sampson
Circuit Deputy Solicitor, Fifth Judicial Circuit

July 9, 2024
Columbia, SC

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

The State of South Carolina)

v.)

Telvin Jackson)

Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
FOR THE FIFTH JUDICIAL CIRCUIT

Indictment Number: 2022-GS-40-04237

**ORDER DENYING
MOTION FOR A NEW TRIAL**

RECEIVED

Jul 22 2024

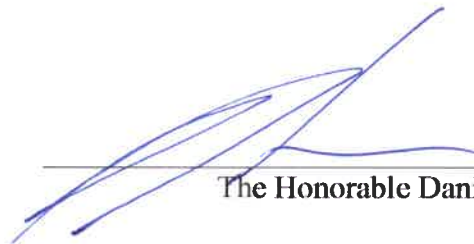
SC Court of Appeals

On June 27, 2024, Defendant was found guilty at trial of one charge of voluntary manslaughter. Defendant was subsequently sentenced to twenty (20) years in prison. During trial, Defendant was represented by Tivis Sutherland of the private bar. The State was represented by April Sampson and Keith Taylor of the Richland County Solicitor's Office. On July 7, 2024 counsel for Defendant filed a Motion for a New Trial.

After reviewing the applicable law and thoroughly considering the arguments raised in the Motion, the Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law that necessitates a new trial. As such, Defendants Motion for a New Trial is hereby **DENIED**, and the Court, pursuant to the discretion afforded by Rule 29 of the South Carolina Rules of Criminal Procedure, concludes that a hearing is not necessary to rule on Defendant's Motion for a New Trial. *See* Rule 29(a), SCRCP (stating a post-trial motion "may in the discretion of the court be determined on the briefs filed by the parties without oral argument").

AND IT IS SO ORDERED!

July 10 2024


The Honorable Daniel Coble

ARREST WARRANT

2020A4010202863

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

THE STATE
against

2005053726

Telvin Quintavis Jackson

Address:

Columbia, SC 29209-3054

Phone: SSN: [REDACTED]
Sex: M Race: B Height: 5 8 Weight: 267DL State: SC DL #: [REDACTED]
DOB: [REDACTED] Agency ORI #: SC0400000

Prosecuting Agency: Richland County Sheriff

Prosecuting Officer: Ronnie J Hinson - S00856

Offense: Murder / Murder

Offense Code: 0116
Code/Ordinance Sec: 16-03-0010This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Telvin Quintavis Jackson
on 5-27-20

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Richland County General Sessions
1701 Main Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Personally appeared before me the affiant Ronnie J Hinsonbeing duly sworn deposes and says that defendant Telvin Quintavis Jacksondid within this county and state on or about 5/26/2020State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Richland Bond Court

in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on or about May 26, 2020 while at 2224 Weiss Dr. in the Hopkins Magisterial District of Richland County, it is believed that
the defendant did commit the crime of Murder because the defendant did willfully and unlawfully and with malice aforethought kill
(Khamori Scott). The defendant did leave the scene armed himself with a handgun and came back and shot the victim multiple times
with the handgun. The victim was transported to the hospital where he died as a direct result of his injuries. The defendant admitted
post-Miranda to shooting the victim. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland Bond Court

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/26/2020 defendant Telvin Quintavis Jackson

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland Bond Court

) as set forth below.

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.Sworn to and subscribed before me
on 5/27/2020 Q 1:33pSignature of Issuing Judge
Tobias Gavin Ward Jr.Judge Code: 7427Judge's Address Central Court

Columbia, SC 29223-

Judge's Telephone (803) 576-2300Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

2020 JUN 1 9 AM 9:25
FILED
RICHLAND COUNTY
CLERK OF COURT
COURT HOUSE
COLUMBIA, SC

BAIL set by

WITNESSES

Judge T. Ward
 on MAY 27 2020
 Type and Amount: Bond to be Set in GS
 Name of Surety: _____

Name: _____
 Address: _____
 Telephone: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

Name: _____
 Address: _____
 Telephone: _____

DISPOSITION before

Judge _____
 on _____
 by _____
(indicate jury trial, bench trial, plea, nol. pros., etc.)
 Disposition: _____
 Sentence: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

JURORS

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

CODEFENDANTS



WITNESSES

(S) Ronnie J Hinson
- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2020A4010202863

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

AUG 17 2022

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2022GS4004237

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

August
~~JULY~~ TERM 2022

91

THE STATE
vs.

Telvin Quintavis Jackson

Indictment for
MURDER / MURDER

SC Code: 16-03-0010
CDR Code: 0116

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on ^{8/16} ~~July 12~~, 2022, the
Grand Jurors of Richland County present upon their oath:

MURDER

That Telvin Quintavis Jackson did in Richland County, on or about May 26, 2020, kill the victim, Khamori Scott, with malice aforethought, either express or implied, by means of gunshot, and the victim did die as a proximate result thereof. All in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

Telvin Quintavis Jackson

AKA:

Race: BLACK Sex: M Age: 30DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Columbia, SC 29209-3054DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 40 - 04237A/W#: 2020A4010202863Date of Offense: 5/26/2020S.C. Code § 16-03-0010CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

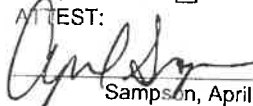
In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Manslaughter / Voluntary Manslaughterin violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:



Sampson, April

SC Bar #

Defendant

Sutherland IV, Travis Colley

SCB69695

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,
 for a determinate term of 20 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Telvin Quintavis Jackson INDICTMENT/CASE#: 2022 - GS - 40 - 04237

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk:
Court Reporter:*Jeannette McBride JXF*
*Harris*Presiding Judge:
Judge Code:
Sentence Date:*2774*
6/27/22

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

RECEIVED

Aug 27 2026

SC Court of Appeals

This 27th day of August, 2026.