

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Stephen J. Green, Appellant.

Appellate Case No. 2024-001684

Appeal From Lee County
R. Ferrell Cothran, Jr., Circuit Court Judge

Unpublished Opinion No. 2026-UP-438
Submitted September 17, 2026 – Filed September 23, 2026

AFFIRMED

Senior Appellate Defender Kathrine Haggard Hudgins, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, and Senior
Assistant Deputy Attorney General Melody Jane Brown,
all of Columbia; and Solicitor Ernest Adolphus Finney,
III, of Sumter, all for Respondent.

PER CURIAM: Stephen J. Green appeals his convictions for murder,
second-degree assault and battery by mob, prisoner carrying a concealed weapon,

and conspiracy and concurrent sentences of life without the possibility of parole (LWOP) for murder, LWOP for second-degree assault and battery by mob, ten years' imprisonment for prisoner carrying a concealed weapon, and five years' imprisonment for conspiracy. On appeal, Green argues the trial court erred by denying his request to quash the murder indictment because the indictment failed to allege the manner of death and to provide him sufficient notice. We affirm pursuant to Rule 220(b), SCACR.

We hold the trial court did not abuse its discretion in denying Green's request to quash his murder indictment because the indictment was sufficient. Although the murder indictment did not include the manner of death, when viewing the indictment objectively, the indictment enabled Green to know what he was called upon to answer—the killing of the victim at Lee Correctional Institution—and the court to know what judgment to pronounce. Additionally, the murder indictment apprised Green of the elements of the offense because it explicitly alleged Green "did, with malice aforethought, unlawfully kill" the victim and cited the murder statute. *See State v. Tumbleston*, 376 S.C. 90, 94, 654 S.E.2d 849, 851 (Ct. App. 2007) ("The trial court's factual conclusions as to the sufficiency of an indictment will not be disturbed on appeal unless so manifestly erroneous as to show an abuse of discretion."); *id.* ("An abuse of discretion occurs when the trial court's ruling is based on an error of law or a factual conclusion without evidentiary support."); *id.* ("Accordingly, an appellate court is bound by the trial court's factual findings when the findings are supported by the evidence and not controlled by error of law."); S.C. Code Ann. § 17-19-20 (2014) ("Every indictment shall be deemed and judged sufficient and good in law which, in addition to allegations as to time and place, as required by law, charges the crime substantially in the language of the common law or of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood and, if the offense be a statutory offense, that the offense be alleged to be contrary to the statute in such case made and provided."); S.C. Code Ann. §17-19-30 (2014) ("Every indictment for murder shall be deemed and adjudged sufficient and good in law which, in addition to setting forth the time and place, together with a plain statement, divested of all useless phraseology, of the manner in which the death of the deceased was caused, charges that the defendant did feloniously, wilfully and of his malice aforethought kill and murder the deceased."); *State v. Gentry*, 363 S.C. 93, 102-03, 610 S.E.2d 494, 500 (2005) ("[T]he [trial] court should judge the sufficiency of the indictment by determining whether (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and (2) whether it apprises the defendant of the

elements of the offense that is intended to be charged."); *Tumbleston*, 376 S.C. at 97, 654 S.E.2d at 853 ("In determining whether an indictment meets the sufficiency standard, the trial court must look at the indictment with a practical eye in view of all the surrounding circumstances."); *id.* ("[T]he sufficiency of an indictment is examined objectively, from the viewpoint of a reasonable person, and not from the subjective viewpoint of a particular defendant."); *Gentry*, 363 S.C. at 103, 610 S.E.2d at 500 ("[W]hether the indictment could be more definite or certain is irrelevant."); *State v. Owens*, 346 S.C. 637, 648-49, 552 S.E.2d 745, 751-52 (2001) (finding a defendant was apprised of the elements of murder when the indictment referred to the statutory section alleged to have been violated), *overruled on other grounds by Gentry*, 363 S.C. 93, 610 S.E.2d 494 (overruling to the extent it combined the concepts of the sufficiency of an indictment and subject matter jurisdiction); *Joseph v. State*, 351 S.C. 551, 561-63, 571 S.E.2d 280, 284-86 (2002) (finding a murder indictment was sufficient when it included the defendant killed another with "malice aforethought" but did not state the defendant "feloniously" and "wilfully" committed the murder), *overruled on other grounds by Gentry*, 363 S.C. 93, 610 S.E.2d 494 (overruling to the extent it combined the concepts of the sufficiency of an indictment and subject matter jurisdiction).

AFFIRMED.¹

GEATHERS, HEWITT, and VINSON, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.