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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Florence County
Honorable H. Steven DeBerry IV, Circuit Court Judge

Unpublished Opinion No. 2026-UP-302
(S.C. Ct. App. Heard May 14, 2026-Filed June 17, 2026)

Lower Court Case No. 2019-GS-21-01040

THE STATE,

RESPONDENT,

V.

MEASHA JAQUETTA SHAWNIC JOYNER,

APPELLANT

APPELLATE CASE NO. 2024-000274

PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS

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CERTIFICATE OF COUNSEL

Counsel for Measha Joyner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on August 26, 2026.

QUESTION PRESENTED

Did the Court of Appeals err finding the trial court properly exercised its discretion in declining to charge self-defense where there was evidence to support the instruction and the trial court's refusal to do so was reversible error?

STATEMENT OF THE CASE

Measha Joyner was indicted on August 22, 2019, by the Florence County grand jury for the murder of Chelsea Plowden and for several related offenses. R. 647-649. On December 4–8, 2023, Measha went to trial before Judge Steven DeBerry, IV and a jury. R. 1. She was represented by Rose Mary Parham, and Todd Tucker prosecuted the case for the state. R. 1. She was tried for murder and possession of a weapon during the commission of a violent crime, as well as two attempted murder charges that the state dismissed at the close of its case in chief. R. 14:4-15:14, 481:14-23.

The jury ultimately acquitted Measha of murder, but it convicted her of the lesser-included offense of voluntary manslaughter and on the possession of a weapon charge. R. 625:5-15. The trial court sentenced her to twenty-five years in prison. R. 637:4-638:9.

The Court of Appeals affirmed Measha's convictions in *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026). She sought rehearing which was denied on August 26, 2026.

This petition for a writ of certiorari follows.

STATEMENT OF FACTS

Measha Joyner and her sister Jolica Joyner¹ attended a birthday party on the night of March 23, 2019. R. 107:13-108:16. The party was at Quick Stop on Coit Street in Florence, and the Joyners were driven there by Jolica's neighbor, Tanisha Timmons. R. 289:16-290:24. It was a dual birthday party for Carlos Jackson (also known as Stew) and Gloria Whitehead. R. 133:16-20, 207:18-208:2. Gloria's daughter, Deandra Whitehead, was at the party with her girlfriend Kanisha Allen. R. 208:22-209:2, 226:13-18. At some point later in the night, Measha, Jolica, Deandra, and Allen began physically fighting in the parking lot. R. 135:6-19. Measha was fighting Deandra, and Jolica was fighting Allen. R. 211:4-21.

Stories vary as to precisely what happened in the parking lot and how long events took to unfold. Several witnesses testified that at some point Jackson fired his gun up in the air in an attempt to stop the fight between Jolica and Allen. R. 211:24-212:1, 278:10-19, 317:15-19. Jackson testified he saw "everybody" fighting outside, he could not identify who was fighting, and he fired his gun one time "to disperse everybody." R. 109:11-18, 115:2-25. After that, he went back inside the Quick Stop until he heard more gunfire approximately one minute later. R. 109:23-110:15. He did not see who was shooting then. R. 110:3-14, 121:16-18.

Gloria Whitehead testified she broke up the fight between Measha and Deandra "a good bit" prior to Jackson firing his weapon. R. 211:24-212:12. She testified that while Jolica and Allen continued to fight, she put Measha in the backseat of a white car with four doors. R. 212:11-213:14. At that point Measha agreed to stay in the car and told Gloria to "just go get my sister please." R. 213:17-20. Gloria testified Jolica and Allen stopped fighting only when

¹ At least one document spells Measha's sister's name "Jolicia." R. 640. The transcript, however, reports it "Jolica" so that spelling is used here.

Jackson fired his gun and that it took Jolica approximately fifteen to twenty minutes after that to get in the car to leave. R. 214:6-13, 216:11-16. According to Gloria, when Jolica got in the car to leave Chelsea Plowden, a party guest, was shot in the head. R. 217:3-8. Gloria testified Measha was the one firing; however, on the night it occurred she told several people "Jojo"—Jolica—shot and killed Plowden. R. 217:17-218:3, 220:8-14, 223:12-14, 281:7-12. She testified that it was "by mistake" and she "was trying to say Jolica sister [sic]" shot Plowden. R. 223:12-17.

Timmons testified that as she, Measha, and Jolica left the Quick Stop building the sisters were "grabbed," "like grabbing them to fight them." R. 292:13-16, 299:16-25. Timmons testified it was her who put Measha in the car after Measha's fight broke up. R. 292:20-21. When Timmons did that, she "heard gunshots ring out" before she went to find Jolica. R. 293:2-23. She specified she heard the shots "when" she put Measha in the car. R. 301:3-7. Then, as she pulled out of the parking lot after she found Jolica, she heard gunshots coming from her backseat where she knew Measha was. R. 293:17-294:9.

Jamie Zimmerman, another party guest, stated on an officer's body camera that it was "people shooting back and forth." Def. Ex. 8 at 00:38–00:41. Defendant's Exhibit 8 is on file with this Court, and it was admitted and played for the jury without objection. R. 509:1-510:20. Zimmerman believed "somebody by [Plowden] shot her, not the people on the other side." Def. Ex. 8 00:41–45. Zimmer explained, "The other people, her friends, started shooting first. Her friends started shooting first before the other people started shooting." Def. Ex. 8 at 3:43–3:50. She clarified she was not talking about Jolica but rather, "The one in the white Mercedes that was shooting -- they was her friends, they left, and I really think they was the one that shot her because of the way she got hit on that side of her head. . . . The other people was basically

shooting in the air." Def. Ex. 8 at 3:58–4:15. In the context of the whole video, it is clear Zimmerman uses "her friends" to mean someone other than appellant because she then specified that she does not know what vehicle "Jojo" was in except that it was silver or white. Def. Ex. 8 at 4:28–4:35. However, she knew "that boy went to get his gun, he was like, he was in the white Mercedes and he was like, 'I'll light this bitch up out here.'" Def. Ex. 8 at 4:35–4:45.

Deandra Whitehead testified that after she stopped fighting with Measha, her mother told her to leave but Jolica and Allen were still fighting. R. 252:23-253:12. After Jackson fired his gun, Deandra and Allen left in a truck with Allen's family. R. 254:1-8. After they dropped Allen's family off, they received a call and learned Plowden had been killed. R. 254:14-255:9. Deandra believed about twenty or thirty minutes passed between her leaving and receiving that phone call. R. 256:15-19. She left about five minutes after Jackson fired. R. 257:11-17.

Angela Robinson, Jamar Robinson, and Brianna Robinson were all also at the birthday party that night. R. 113:17-115:1. Angela is Jamar and Brianna's mother. R. 134:4-15. Angela did not know what caused the fights to break up. R. 136:21-24. She testified after the fights ended she was in her car with Brianna, backed into a spot with a view of the parking lot. R. 136:17-138:6. She testified that Jolica, Measha, and a third person then "jump[ed] into a white vehicle." R. 138:8-12. She testified she saw Measha enter the backseat and Jolica enter the front. R. 139:12-14. As the car pulled out of the parking lot, Angela saw Measha in the backseat firing at "the crowd of people" as they drove away. R. 138:18-24. At the same time some people in the crowd began firing at the car. R. 140:18-21. One of those people shooting was her son Jamar, although Angela claimed Measha started shooting first. R. 140:18-141:5. She estimated three shots came from the car. R. 146:1-7.

Brianna Robinson testified that she and her mother were inside the Quick Stop when she heard a gunshot and the two then went to see the fighting outside. R. 339:16-25. She also could not identify who was fighting. R. 339:6-15, 347:2-4. She testified that after Deandra and Allen left, she heard a "second shot" after the fight broke up. R. 340:22-25. She then heard more gunshots and looked in the direction of the sound to see Measha "hanging out the window shooting." R. 341:3-342:18. Brianna testified she was close enough to that "second shot" to feel the heat of it. R. 348:6-349:4, 350:19-24. Brianna did not know if Jackson fired the second shot. R. 349:5-12. She estimated those two shots were a minute and a half apart. R. 350:19-351:4. She testified her brother was "defending himself" when he shot at the car as it drove away. R. 353:18-22.

Like Gloria, Jamares Robinson testified it was probably ten or fifteen minutes after Jackson first fired that more guns began firing. R. 321:4-12. Jamares testified those shots came from the car Measha and Jolica entered and he then started shooting at the car as he ran across the parking lot as it drove away. R. 321:13-323:2.

Officers recovered three weapons that were fired at the scene. Jamares Robinson turned in an FMK nine millimeter to Investigator Stephen Banister, which was made State's Exhibit 112 at trial. R. 323:15-24, 368:20-369:18, 640. Demarcus Bluett turned in a .380 Hi-Point, which was made State's Exhibit 111 at trial. R. 369:19-10, 446:14-18, 640. Carlos Jackson turned in a Smith and Wesson forty caliber pistol, which was made State's Exhibit 113 at trial. R. 111:12-19, 370:14-371:4, 446:19-24, 641. All three of those weapons fired casings recovered from the scene. R. 642-43.

SLED Agent Chad Smith, an expert in firearms identification, testified shell casings from four different weapons were recovered from the scene. R. 451:5-23. Captain Stephen Starling of

the Florence Police Department testified about a map of the scene and different known locations. R. 177:3-13; State's Ex. 2. He testified two spent bullet casings (of different calibers) and three live rounds were found in the vicinity of Plowden's body. R. 177:14-178:4. He also described three more casings nearby, again of different calibers. R. 177:17-23. Markers eight, nine, and ten were three nine millimeter casings by the parking lot exit. R. 178:4-6; State's Ex. 2. Agent Smith testified those bullets were fired by a weapon law enforcement officers did not recover. R. 438:8-15, 453:15-454:24, 643. The location where Plowden was struck is in an approximate line with the location of those unidentified casings and the other known casings. State's Ex. 2.

After the close of its case, the state dismissed the attempted murder charges. R. 481:9-23. Measha introduced several videos from officer's body cameras, including Defendant's Exhibit 8 discussed above, and published them to the jury. R. 508:17-509:11. The trial court instructed the jury on the lesser included offenses of voluntary and involuntary murder, and it refused to charge the jury on self-defense. R. 523:17-19, 530:1-3, 603:2-606:8. The trial court did however charge the jury on the "defense of necessity":

In order to excuse the crime on the ground of necessity, the defendant must show by a preponderance or greater weight three things. Number one, that there was a present . . . and imminent emergency which arose without fault on the part of the defendant. The emergency was the type which would cause a well-grounded fear of death or serious bodily harm if the act was not done. And finally there was no other reasonable alternative other than committing the crime to avoid the threat of harm.

R. 607:19-608:2.

During deliberations the jury requested further instruction on the definition of murder. R. 622:18-623:17, 645. The jury ultimately acquitted Measha of murder and found her guilty of voluntary manslaughter, and it found her guilty of possession of a weapon during the

commission of a violent crime. R. 625:5-14. The trial court sentenced her to twenty-five years in prison. R. 637:4-638:9.

ARGUMENT

There was evidence presented at trial of self-defense and the trial court's refusal to instruct the jury on self-defense was reversible error.

“If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the trial judge's refusal to do so is reversible error.” *State v. Light*, 378 S.C. 641, 650, 664 S.E.2d 465, 469 (2008) (quoting *Slater*, 373 S.C. at 70, 644 S.E.2d at 52). “When reviewing the circuit court's refusal to deliver a requested jury instruction, appellate courts must consider the evidence in a light most favorable to the defendant.” *State v. Williams*, 400 S.C. 308, 314, 733 S.E.2d 605, 608-09 (Ct. App. 2012) (quoting *State v. Cole*, 338 S.C. 97, 101, 525 S.E.2d 511, 512-13 (2000)).

Measha was entitled to a self-defense charge because there was evidence presented to the jury that she did not start the shooting. While the testimony and evidence about what exactly happened in the parking lot varied, one part was clear: Jamie Zimmerman stated “her friends”—meaning Plowden's friends in the white Mercedes—“started shooting first before the other people started shooting.” Zimmerman also specified she believed someone “by” Plowden shot her, which indicates gunfire was coming from Plowden's direction. That direction also matches the rough line formed by the unidentified shell casings found at the scene and those fired by Carlos Jackson and Jamares Robinson, a line which overlaps with Plowden's location. In other words, there is evidence Measha was firing at her attackers who were next to or in line with Plowden.

That evidence is what matters most for purposes of a self-defense instruction. If someone is being shot at, they can generally defend themselves. Therefore, the trial court erred by summarily concluding, “I don’t find that it’s a self-defense case. Self-defense has not been alleged in this case.” R. 530:1-3. That decision was incorrect because evidence existed to warrant the charge. Measha even began her closing argument with Zimmerman’s statement quoted above. R. 559:22-560:13. She argued, “She said this man in a white Mercedes shot. I am scared one of her friends shot her. You know, I am going to light this bitch up, that’s how this started.” R. 561:8-10. That is evidence which entitled Measha to a jury charge on self-defense.

In its opinion the Court of appeals affirmed, finding the trial court “exercised its discretion in declining to charge self-defense because [Measha] failed to present evidence of at least one element required to support such an instruction.” *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026) at 6. The Court further explained “we see no evidence in this record that [Measha] was ever in imminent danger—or believed she was—because she was shooting from the backseat of a vehicle that was already driving away from the party when the later shots were fired.” *Id.*

In its opinion, the Court recognized the varied witnesses’ accounts of the events of the evening. However, the Court failed to acknowledge that by multiple accounts Measha was fired upon before returning fire. Brianna Robinson testified that she heard a “second shot” after the fight broke up. R. 340:22-25. She then heard more gunshots and looked in the direction of the sound to see Measha “hanging out the window shooting.” R. 341:3-342:18. Immediately after the incident, Jamie Zimmerman told police that Measha was fired upon first. Def. Ex. 8 at 3:43–3:50. Timmons testified she heard shots “when” she put Measha in the car. R. 301:3-7. Then,

as she pulled out of the parking lot after she found Jolica, she heard gunshots coming from her backseat where Measha was. R. 293:17-294:9.

It goes against reason to suggest that Measha being shot at fails the “actual imminent danger of losing [her] life” element of self-defense. She did not have to sit helplessly in the back of a car waiting to be shot at again, thus, it was not unreasonable as a matter of law for Measha to return fire in the hopes of subduing the aggressor. *See State v. Scott*, 424 S.C. 463, 472, 819 S.E.2d 116, 120 (2018) (quoting *State v. Dickey*, 394 S.C. 491, 501, 716 S.E.2d 97, 102 (2011)) (affirming immunity where defendant established self-defense because “[a] person has the right to act on appearances, even if the person's belief is ultimately mistaken,” where he killed a bystander who had not actually fired at him).

In the opinion, the Court went on to find “even if there were some hint of evidence that [Measha] reasonably believed she was in imminent danger, we see no evidence that she lacked the ability to avoid such alleged danger while ‘in the backseat with her body halfway hanging out with her arm outstretched’ firing into the crowd as Timmons’s car left the scene.” *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026) at 7.

Some hint of evidence *is* evidence to support an instruction on self-defense. The standard for giving the instruction is not the majority of the evidence and it is not substantial evidence; it is *any* evidence. *See State v. Light*, 378 S.C. 641, 650, 664 S.E.2d 465, 469 (2008) (“If there is any evidence in the record from which it could reasonably be inferred that the defendant acted in self-defense, the defendant is entitled to instructions on the defense, and the trial judge’s refusal to do so is reversible error.”). “When reviewing the circuit court's refusal to deliver a requested jury instruction, appellate courts must consider the evidence in a light most favorable to the defendant.” *State v. Williams*, 400 S.C. 308, 314, 733 S.E.2d 605, 608-09 (Ct. App. 2012)

(quoting *State v. Cole*, 338 S.C. 97, 101, 525 S.E.2d 511, 512-13 (2000)).

Regarding the final element, ability to avoid danger, Measha had no other means of escape—she was already in a moving car driving *away* from the gunfire; nothing more could be done. She did not have a legal obligation to sit idly by while being fired upon. Moreover, there is a legitimate way in which she had no other means of escape precisely because she was trapped in a moving car. See 30 Corpus Juris, *Homicide* § 239, at 68-69 (“Where accused already has his back to the wall . . . he is not obligated to retreat or escape before taking life in self-defense.”). Importantly, whether Measha could escape or her fear was reasonable are questions of fact for the jury. See *Dickey*, 394 S.C. at 502, 716 S.E.2d at 103 (“[T]he State failed to disprove beyond a reasonable doubt that Petitioner had no other probable means of avoiding the danger.”).

The Court’s opinion acknowledged Zimmerman’s statements to police “arguably” provided evidence of some elements of self-defense, excepting the final element discussed above. *State v. Joyner*, Op. No. 2026-UP-302 (S.C. Ct. App. Filed June 17, 2026) at 7.

Our case law provides,

To establish self-defense in South Carolina, four elements must be present. First, the defendant must be without fault in bringing on the difficulty. Second, the defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury, or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury. Third, if his defense is based upon his belief of imminent danger, a reasonably prudent man of ordinary firmness and courage would have entertained the same belief. If the defendant was actually in imminent danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save himself from serious bodily harm or losing his own life. Fourth, the defendant had no other probable means of avoiding the danger.

State v. Bryant, 336 S.C. 340, 344-45, 520 S.E.2d 319, 321-22 (1999) (citing *State v. Goodson*, 312 S.C. 278, 280, 440 S.E.2d 370, 372 (1994)).

Measha was not at fault as a matter of law for bringing on the difficulty. Tanisha Timmons testified she and the Joyner sisters were jumped while leaving the party. R. 292:13-16, 299:16-25. Also, according to Gloria Whitehead and Jamares Robinson, Measha had stopped fighting Deandra—and Deandra had left—approximately fifteen or twenty minutes before the shooting. Zimmerman's statements were consistent with Brianna Robinson's testimony she heard an unidentified "second shot" after Jackson broke the fight up because she knew only that the subsequent shots came from the Joyners' vehicle. R. 340:22-25; 341:3-342:18. That can be true *and* the first shot in the firefight could have been at Measha, which is precisely what Timmons testified: she heard gunshots when she put Measha into the car. R. 293:2-23; 301:3-7. Taken together, and in a light favorable to Measha, there is evidence in the record to support a charge on self-defense, and the trial court erred by denying it.

Further, accepting that there is evidence she was shot at first, the only evidence of any fault on Measha's behalf might be her earlier fight with Deandra. But Deandra had already left the scene by the time the shooting started, and that could have been over fifteen minutes earlier. *See* 30 Corpus Juris, *Homicide* § 210, at 45-46 (1923) (noting an aggressor who "in good faith withdraws from the combat in such a manner as to show his adversary his intention in good faith to desist" can still obtain the defense); *Bryant*, 336 S.C. at 345-46, 520 S.E.2d at 322. According to Gloria, Measha had withdrawn and was waiting in the car for her sister. Moreover, no evidence whatsoever could support the conclusion that Measha was an aggressor as to anyone other than Deandra, but Deandra had already left the scene. Thus, whether Measha was legally at fault for creating the violence out of the earlier fight was at the least a jury question.

Other evidence supported the charge as well. Zimmerman's statement was consistent with Brianna Robinson's testimony she heard an unidentified "second shot" after Jackson broke

the fight up because she knew only that the subsequent shots came from the Joyners' vehicle. That can be true and the first shot in the firefight could have been at Measha, which is precisely what Timmons testified: she heard gunshots when she put Measha into the car.

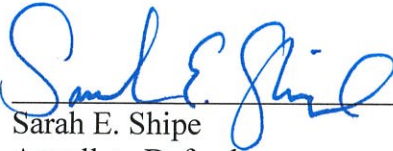
That the trial court instructed the jury on the “defense of necessity” further demonstrates its error in refusing to charge self-defense. As given, in context, that charge was functionally a self-defense charge except in one critical way: it placed the burden on Measha to prove the necessity while the state is required to disprove self-defense beyond a reasonable doubt. *Dickey*, 394 S.C. at 499, 716 S.E.2d at 101 (citing *State v. Wiggins*, 330 S.C. 538, 544, 500 S.E.2d 489, 492 (1998)) (“[W]hen a defendant claims self-defense, the State is required to disprove the elements of self-defense beyond a reasonable doubt.”).

Importantly, whether she could escape or her fear was reasonable are questions of fact for the jury. *See Dickey*, 394 S.C. at 502, 716 S.E.2d at 103 (“[T]he State failed to disprove beyond a reasonable doubt that Petitioner had no other probable means of avoiding the danger.”). Taken together, and in a light favorable to Measha, there is evidence in the record to support a charge on self-defense, and so the trial court erred by denying it.

CONCLUSION

By reason of the foregoing argument, a writ of certiorari should be issued to allow full briefing on this issue.

Respectfully Submitted,



Sarah E. Shipe
Appellate Defender

ATTORNEY FOR PETITIONER

This 25th day of September, 2026.