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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In the Supreme Court

On Petition for Writ of Certiorari to the Court of Appeals
Appeal from Kershaw County
The Honorable Daniel D. Hall, Circuit Court Judge

THE STATE,

Respondent,

v.

CLINTON WARREN BEEBE,

Petitioner.

Appellate Case No. 2026-001858

RETURN TO PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Did the Court of Appeals err in holding that the admission of petitioner's wife's prior bad acts testimony regarding petitioner's alleged marital abuse was not properly preserved for appeal because all motions and objections referencing this issue were properly entered under Rules 401, 403, 404, SCRE, and all error preservation rules required for appellate review?

RESPONDENT'S RESTATEMENT OF QUESTION PRESENTED

Does Petitioner present an issue warranting certiorari review when his question presented rests on misapprehension of the Court of Appeals' opinion which specifically addressed petitioner's argument for prejudicial error, i.e., a complaint that the limitations imposed on "specific instances" of spousal abuse were not sufficiently enforced during the trial?

STATEMENT OF THE CASE

Petitioner Clinton Warren "C.W." Beebe was indicted at the February 2019 term of the grand jury for Kershaw County for murder. R. 884. The case was prosecuted by Deputy Solicitors Curtis Anthony Pauling, IV, April Sampson, and Dale Scott, and Assistant Solicitor Christina Allard; Petitioner was represented by William S. Tetterton, Esquire. R. 1. Petitioner proceeded to trial by jury from April 25 to 29, 2022, before the Honorable Daniel Hall. The jury found Petitioner guilty as charged, and Judge Hall sentenced him to life without parole. R. 876, 882-883. Petitioner timely filed a notice of appeal.

After briefing, and oral argument held on March 10, 2026, the Court of Appeals affirmed the lower court by unpublished decision issued on June 17, 2026. *State v. Beebe*, Unpublished Opinion No. 2026-UP-301 (S.C. Ct. App. filed June 17, 2026). A timely petition for rehearing was denied on July 22, 2026, and Petitioner sought review in this Court by his petition for writ of certiorari filed on August 20, 2026. This return follows.

STATEMENT OF FACTS

Petitioner, and his wife Dani, were both indicted for the murder of Petitioner's friend, Adam Davis. Petitioner shot Davis in Petitioner's home in December 2016, and Petitioner and Dani buried his body nearby. While family and friends began looking for Davis, who was considered simply missing, leads were few initially. As the investigation developed, Davis's decaying body was located, and other evidence tied Petitioner and Dani to the coverup efforts. Petitioner finally admitted to shooting Davis but claimed it was an accident. Dani, however, gave testimony supportive of malice aforethought, specifically, she testified that Petitioner "just took the gun and just pointed it at him and just pulled – pulled his trigger and shot him in the head." R. 396. She reiterated that Petitioner "did it for no reason" noting that Davis was simply "talking." R. 397. After the shooting, according to Dani, Petitioner lifted Davis's head and stated, "he's f**ked." R. 398.

Relevant Facts from Trial:

At the pre-trial proceedings, Petitioner objected to that part of Dani's statement, as disclosed in discovery, referencing multiple years of "infidelity and marital discord," citing Rule 404, SCRE, and asserting the past events were irrelevant. R. 15-16. The State countered that it did not intend to produce any evidence of Petitioner's infidelity but would likely offer at some point "some specific or some chronic abuse," though it was the State's position that it was too earlier to effectively address the matter. R. 16. The trial judge deferred ruling at that time. R. 16.

At trial, before the State's examination of Dani, defense counsel objected again based on relevance, remoteness, Rule 404(b), and Rule 403. R. 362-366. The State explained that the evidence was relevant to explain Dani's continuing to cover up the crime and lying to police for five years – specifically, the fear she had for what Petitioner might do to her:

> … about how there are years of abuse, and she gives some specific instances where he's broken her nose, where he drug her with a car, where he put a gun in her mouth. And the reason that it's relevant to this case is it's motive for why she does not tell. It is also the motive for why she continues to help him cover this up after it's over. So if it comes in, Your Honor, it - - this has nothing to do with his motive. It has everything to do with her motive.
>
> …
>
> … We're using it to show why she's in fear of him, why she acts accordingly, why she continues to cover up what happened, and why she did not tell law enforcement until recently.

R. 363-364.

The trial judge ultimately ruled that the reference to her fear was admissible but "[t]o go into specific instances of conduct about the defendant would be improper" and would not allow it. R. 370. After clarifying questions by counsel to ensure adherence to the ruling, Dani testified.

Dani testified that she married Petitioner when she was 15 and he was 23, and she got pregnant by him the very next year. R. 377-378. She continued and explained some of what happened the day Petitioner killed Davis. She admitted that she had lied in January 2017 when she spoke to law enforcement for the first time because:

> [E]very time I wanted to tell I was told I was a stupid s*** b**** and that I'd be stupid if I said anything because he wouldn't be the only one going down, that I'd be taken away from my daughter and I would never see her again, and he knew that she was my life . . . .

R. 410.

She also testified, "I was told by C.W. things to say to [law enforcement], and I was scared to tell the truth." R. 392. Later, she stated, "He's always – has always been abusive to me and had – had threatened me in the past, but once I seen that he was capable of doing that, [shooting someone for no reason] I was not going to argue with him." R. 402. "I was terrified of C.W." R. 404. "I was afraid of him because there wasn't a day, week, month, or year that he was just being

nice and good to me. He's always been abusive, mentally, physically since I was 15. If I wasn't being physically hit, I was being told I was a stupid shit bitch or I was trash. I was constantly being called names." R. 422.

On cross-examination, when asked why she changed her story years later, she said she was testifying truthfully at the trial, explaining: "I feel different. I don't feel like I'm his prisoner anymore or his little punching bag or his ragdoll or to get thrown into walls or into tables and my head beat into the floors or I don't get called … stupid or fat or trash or worthless. I was told I was worthless every day. … it's completely different, completely different now that I'm separated from him…." R. 494. She said he was "not a good person," and she was not blind to that any longer. R. 499.

The defense responded by calling Dani's former employer, Steven Mooneyham, to testify that he had not seen evidence of abuse on Dani. R. 576. During cross-examination, the State asked if he saw her "broken nose" or her "black eye" or if he witnessed the even when Petitioner "put her head through the wall[.]" R. 578-579. The witness answered that he had not. R. 576. The State further asked if he had witnessed when Petitioner "put the gun to her face" at which point the defense objected, and the trial judge sustained that objection. R. 579. A bench conference was also held. R. 579. The cross-examination continued, and no further question on the alleged event was asked. R. 579.

Argument at the Court of Appeals:

Petitioner's argument to the Court Appeals was that potential details of spousal abuse in the State's questions during the Mooneyham cross-examination were not relevant to proving any elements of the crime. The Court of Appeals resolved that the limited "evidence of the alleged abuse was plainly admissible to rehabilitate Dani's credibility," and, if the limitation on admissibility was not adhered to, "it was incumbent on [Petitioner] to object." The record shows

that Petitioner did not object to two of the three, and when Petitioner did object during Mooneyham's testimony, at the third reference, the objection was *sustained.* Thus, the court found no preserved objection regarding the State's questions[1] exceeding the parameters set by the trial judge and affirmed.

STANDARD OF REVIEW

Certiorari Review

"A writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons." Rule 242(b), SCACR.

ARGUMENT

The primary reason the petition should be denied is that there is no preserved issue that could warrant relief. The requirement of a timely objection is well-established. Indeed, this Court has observed: "Our law is clear that a party must make a contemporaneous objection that is ruled upon by the trial judge to preserve an issue for appellate review." *State v. Sheppard*, 391 S.C. 415, 420–21, 706 S.E.2d 16, 19 (2011) (citing *State v. Johnson,* 363 S.C. 53, 58, 609 S.E.2d 520, 523 (2005) *see also State v. Hurd*, 325 S.C. 384, 480 S.E.2d 94, 96 (Ct. App. 1996) ("It is axiomatic that a defendant must make a contemporaneous objection on a specific ground in order to preserve an evidentiary issue for appeal."). Further, when "an evidentiary ruling is pretrial," with very narrow exceptions, the general rule is that a "contemporaneous objection must be raised during trial when the evidence is admitted[.]" *State v. Jones*, 435 S.C. 138, 144, 866 S.E.2d 558, 561 (2021). The reason? Not a game of "gotcha" or a highly technical exercise of useless purpose, but

[1] The questions were not asked of Dani and no actual evidence was received. *See State v. Washington*, 431 S.C. 394, 408, 848 S.E.2d 779, 786 (2020) (observing that "counsel's questions and accusations were not evidence").

a requirement that allows the trial judge an opportunity to prevent error in the trial and the parties the opportunity to "present their best arguments" on the specific basis raised. *State v. Morales*, 439 S.C. 600, 609, 889 S.E.2d 551, 556 (2023). That process, in turn, promotes a complete record which allows more for a more comprehensive review on appeal. *Id.*

The record supports the Court of Appeals finding that the objection to one instance of reference to the details of the abuse was *sustained,* while references to two others elicited no objection at all. R. 579. Thus, the court properly resolved that Petitioner did not appropriately object and the issue was procedurally barred.

The petition before this Court misses the mark and fails to challenge the Court of Appeals' dispositive holding. The petition relies on Rules 401, 403, and 404, as the rules pertain to prior bad acts by the defendant to prove some fact or circumstances by those acts (*see* Pet. 14); however, the trial judge analyzed the evidence as it was offered; as a challenge or consideration going to witness credibility, which falls under Rule 608(c). The trial judge even limited the evidence to avoid details but still allow the necessary testimony regarding credibility. Petitioner simply failed to object to two questions that he asserts overstepped the limitation; thus, the procedural bar finding by the Court of Appeals was warranted.

Even so, the record demonstrates that there is no error to correct on the part of the trial judge. First, the trial judge was correct to analyze the issue as one of relevance to Dani's testimony, not defendant's character. The abuse provided context for understanding the failure to speak truthfully for years. As the Court of Appeals found, that evidence was to rehabilitate the witness. There was no error. *See State v. Jones*, 343 S.C. 562, 570, 541 S.E.2d 813, 817 (2001) (explaining that Rule 608(c), "Bias, prejudice or any motive to misrepresent" provisions "preserves South Carolina precedent holding that generally, 'anything having a legitimate tendency to throw light

on the accuracy, truthfulness, and sincerity of a witness may be shown and considered in determining the credit to be accorded his testimony.' *State v. Brewington,* 267 S.C. 97, 226 S.E.2d 249 (1976)(citing 98 C.J.S. Witnesses § 460).").

Second, even if error, the limited error would be harmless considering the record. An improper admission of character evidence is harmless beyond a reasonable doubt if its impact is "minimal" when compared to the entire record. *State v. Forney*, 321 S.C. 353, 468 S.E.2d 641 (1996). To the extent Petitioner relies on the "bad character" evidence for finding prejudice, his character was far from pristine based on other, unrelated evidence such as: testimony that Petitioner and Davis had been drinking heavily the day of the murder, and accompanying Davis while he picked up a gram of cocaine before going to Petitioner's home, R. 88, 151-154, 389-390; and, testimony that Petitioner engaged in infidelity and had a child by another woman, R. 436.

Further still, other evidence corroborated and supported the direct evidence Dani presented. Though Petitioner claimed accident, testimony was presented that that scene corroborated Dani's description of the shooting based on the bullet damage to the home. R. 334-335, 343, 533-538. And, in addition to that corroboration, there was testimony that Petitioner sent the vehicle used in hiding the body to a shredder that was not typically where he would take old cars, and that was after he had purchased paint used for upholstery to attempt to mask the evidence left in the car from transporting the body. R. 221-222, 247-248. Further, witnesses established that Petitioner lied to Davis's family and friends, and law enforcement, about where Davis could be and what happened the night of the murder. *See* R. 63-64, 75-79, 101-103, 157. And very tellingly, testimony also showed that Petitioner had attended a candlelight vigil in Bethune, when Davis was still thought to be merely missing, and told Davis's boss that "Adam just had no idea how much he was going to be missed." R. 67-68.

Consequently, error could only be harmless based on this record. However, Respondent submits that Petitioner has shown no error in the Court of Appeals opinion.

CONCLUSION

For the above stated reasons, Petitioner has shown no "special or important" reasons to review the Court of Appeals decision affirming the trial court and the petition should be denied.

Respectfully Submitted,

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October 9, 2026

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