

The Supreme Court of South Carolina

The State, Petitioner-Respondent,

v.


Shannon Scott, Respondent-Petitioner.

Appellate Case No. 2017-001607

ORDER

The State filed a petition for rehearing. The State's grounds for rehearing are without merit. In particular, first, the State argues Shannon Scott "did not assert his right to act in self-defense." Scott argued self-defense from the beginning. At the pre-trial immunity hearing, Scott's counsel argued, "someone who is standing in their yard . . . does not have . . . to go back in the house and hope that the cavalry is going to come . . . they are allowed at that point to defend themselves" Second, the State argues "common law self-defense does not constitute a 'provision of law' under S.C. Code § 16-11-450(A)." This point is settled. In *State v. Jones*, 416 S.C. 283, 786 S.E.2d 132 (2016), this Court ruled, "We believe the use of the language 'or another applicable provision of law,' which presumably includes the common law of self-defense, arguably entitles all defendants who claim self-defense to a pretrial determination of immunity under the Act." *Jones*, 416 S.C. at 300 n.8, 786 S.E.2d at 141 n.8. Third, as explained in the majority opinion, we find the evidence supports the circuit court's finding Scott reasonably feared he was being attacked by, and faced an imminent threat of death or great bodily harm from, the occupants of Niles' vehicle.

The petition for rehearing is denied.


_____ C.J.

John Little Jr _____ J.

John Cannon Jr _____ J.

Joseph _____ J.

I would grant the petition for rehearing.

Kaye L. Dean _____ J.

Columbia, South Carolina

October 17, 2018

cc:

- Alan Wilson, Esquire
- Donald J. Zelenka, Esquire
- Melody J. Brown, Esquire
- Alphonso Simon Jr., Esquire
- Robert M. Dudek, Esquire
- April Woodard Sampson, Esquire