



The Supreme Court of South Carolina

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February 6, 2019

The Honorable Cheryl L. Graham
Clerk of Court, Dorchester County
5200 E Jim Bilton Blvd
St George SC 29477-8020

REMITTITUR

Re: William McFarland v. Mansour Rashtchian
Lower Court Case No. 2013-CP-18-00735
Appellate Case No. 2017-001404

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc:

Stephen Lynwood Brown, Esquire

Russell Grainger Hines, Esquire

David Cooper Cleveland, Esquire

Michael Lawrence Leech, Esquire

**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 Supreme Court**

William McFarland and Jennifer McFarland, Petitioners,

v.

Mansour Rashtchian and Amy Rashtchian, Respondents.

Appellate Case No. 2017-001404

Appeal from Dorchester County
Diane Schafer Goodstein, Circuit Court Judge

Memorandum Opinion No. 2019-MO-007
Heard January 30, 2019 – Filed February 6, 2019

DISMISSED AS IMPROVIDENTLY GRANTED

Stephen L. Brown and Russel G. Hines, both of Young
Clement Rivers, LLC, of Charleston, for Petitioners

David C. Cleveland and Michael L. Leech, of Clawson &
Staubes, LLC, of Charleston, for Respondents.

PER CURIAM: We granted certiorari to review whether the court of appeals erred in affirming the circuit court's jury charge on self-defense in this defamation action. *McFarland v. Rashtchian*, Op. No. 2017-UP-067 (S.C. Ct. App. filed Feb. 1, 2017). We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

BEATTY, C.J., HEARN, FEW, JAMES, JJ., and Acting Justice John D. Geathers, concur.

**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**

William McFarland and Jennifer McFarland, Appellants,

v.

Mansour Rashtchian and Amy Rashtchian, Respondents.

Appellate Case No. 2015-000058

Appeal From Dorchester County
Diane Schafer Goodstein, Circuit Court Judge

Unpublished Opinion No. 2017-UP-067
Submitted December 1, 2016 – Filed February 1, 2017

AFFIRMED

Stephen Lynwood Brown and Russell Grainger Hines,
both of Young Clement Rivers, of Charleston, for
Appellants.

David Cooper Cleveland and Michael Lawrence Leech,
both of Clawson & Staubes, LLC, of Charleston, for
Respondents.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *Cole v. Raut*, 378 S.C. 398, 404, 663 S.E.2d 30, 33 (2008) ("An
appellate court will not reverse the trial court's decision regarding jury instructions

unless the trial court committed an abuse of discretion."); *id.* ("An abuse of discretion occurs when the trial court's ruling is based on an error of law or is not supported by the evidence."); *Keaton ex rel. Foster v. Greenville Hosp. Sys.*, 334 S.C. 488, 497, 514 S.E.2d 570, 575 (1999) (providing an appellate court reviewing a jury charge "must consider the court's jury charge as a whole in light of the evidence and issues presented at trial. If, as a whole, the charges are reasonably free from error, isolated portions which might be misleading do not constitute reversible error." (quoting *Bragg v. Hi-Ranger, Inc.*, 319 S.C. 531, 547, 462 S.E.2d 321, 330 (Ct. App. 1995))); *id.* at 495-96, 514 S.E.2d at 574 ("A jury charge is correct if '[w]hen the charge is read as a whole, it contains the correct definition and adequately covers the law.'" (alteration by *Keaton*) (quoting *State v. Johnson*, 315 S.C. 485, 487 n.1, 445 S.E.2d 637, 638 n.1 (1994))); *id.* at 496, 514 S.E.2d at 574 ("The substance of the law is what must be instructed to the jury, not any particular verbiage." (quoting *State v. Smith*, 315 S.C. 547, 554, 446 S.E.2d 411, 415 (1994))); *Cartwright v. Herald Publ'g Co.*, 220 S.C. 492, 498, 68 S.E.2d 415, 417 (1951) ("Statements made in an honest endeavor to vindicate one's character or to protect one's interests are usually regarded as qualifiedly privileged, even though they are false, if they are made in good faith and without malice. Thus, it seems to be definitely settled that when one person assails another in the public press, the latter is entitled to make reply therein, and so long as the reply does not exceed the occasion, he cannot be held responsible for any resultant injury. . . . On the other hand, however, it is clear that a defensive communication will lose its privileged character if the person making it goes beyond the scope of the original attack or indulges in language that is unnecessarily defamatory." (quoting 33 Am. Jur. *Libel and Slander* § 134)).

AFFIRMED.¹

HUFF and SHORT, JJ., and MOORE, A.J., concur.

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