

# The South Carolina Court of Appeals

The State, Respondent,

v.

Joseph Bowers, Appellant.

Appellate Case No. 2014-002176

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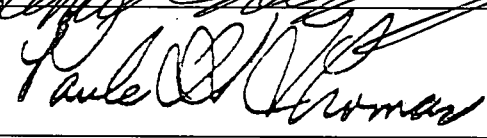
## ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied. However, we take this opportunity to address the State's misapprehension of our August 7, 2019 opinion and to slightly revise footnote 6.

The State contends the opinion does not address its argument that Bowers waived any objection to the circuit court's jury instructions by indicating that he had no objections to the instructions once they had been presented. We highlight the following case cite included at the beginning and end of the opinion's preservation analysis, as well as the following parenthetical included with the second cite. *See State v. Johnson*, 333 S.C. 62, 64 n.1, 508 S.E.2d 29, 30 n.1 (1998) (clarifying the long-standing rule that "where a party requests a jury charge and, after opportunity for discussion, the trial judge declines the charge, it is unnecessary, to preserve the point on appeal, to renew the request at the conclusion of the court's instruction").

Additionally, we modify footnote 6 in Opinion No. 5677 to state the following: "At oral argument, counsel for Appellant maintained that all of Appellant's charges were intertwined and a reversal would apply to all of Appellant's convictions. We agree—especially, under these circumstances, where Appellant's self-defense plea was negated by the unwarranted jury instruction. *See State v. Blurton*, 352 S.C. 203, 208, 573 S.E.2d 802, 804 (2002) ("If a jury instruction is provided to the jury that does not fit the facts of the case, it may confuse the jury.").

  
\_\_\_\_\_ C.J.  
  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

Columbia, South Carolina

cc:

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The Honorable R. Markley Dennis, Jr.

**FILED**  
September 20, 2019