



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

www.sccourts.org

October 22, 2020

Robert Michael Dudek, Esquire
PO Box 11589
Columbia SC 29211

Melody Jane Brown, Esquire
PO Box 11549
Columbia SC 29211-1549

Re: The State v. Ahshaad Mykiel Owens
Appellate Case No. 2019-001601

Dear Counsel:

As you know, this case was scheduled for argument last week, but the argument was continued due the illness of counsel. Please be advised that this case has been rescheduled for argument at 11:30 a.m. on Tuesday, November 17, 2020. The time allotted for each argument will stay the same as previously indicated by this Court's letter September 15, 2020.

The arguments will be held in the Supreme Court Courtroom, and will be subject to the restrictions contained in my letter dated October 9, 2020. Unless I hear from you to the contrary, I will assume that you will be making the arguments in this case.

Finally, in addition to whatever other arguments you may wish to make, the Court does request that you be prepared to address (1) whether "the defense of accident" is properly considered a defense in a murder case, or is the question simply whether the State has proven that the act that led to the killing was intentional, compare *State v. McDaniel*, 68 S.C. 304, 317, 47 S.E. 384, 389 (1904) (stating "we do not think that a defense that the homicide was accidental is in any sense an affirmative defense" and "a defense of homicide by accident denies that the killing was intentional"), with *State v. Brown*, 205 S.C. 514, 521, 32 S.E.2d 825, 828 (1945) (stating—in a vehicular involuntary homicide case—"If it be shown that the killing was unintentional; that it was done while the perpetrator was engaged in a lawful enterprise, and was not the result of negligence, the homicide will be excused on the score of accident"), and *State v. Goodson*, 312 S.C. 278, 280, 440 S.E.2d 370, 372 (1994) (applying the *Brown* elements to a murder case without discussion); and (2) if it is not a defense, how does that affect the outcome of this appellate proceeding?

Very truly yours,

A handwritten signature in black ink, appearing to be the name of the Clerk, written in a cursive style.

CLERK

cc: Alan McCrory Wilson, Esquire
Stephanie Bianco Linder, Esquire
Donald J. Zelenka, Esquire
Susannah Rawl Cole, Esquire
Scarlett Anne Wilson, Esquire
J. Robert Bolchoz, Esquire