

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Oct 19 2021

S.C. SUPREME COURT

Appeal from Lexington County

Honorable Eugene C. Griffith, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TIMOTHY RAY JONES, JR.,

APPELLANT.

APPELLATE CASE NO. 2019-001008

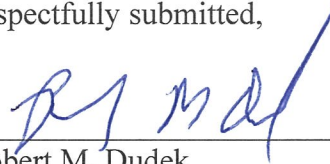
MOTION TO ARGUE AGAINST PRECEDENT

Pursuant to Rule 217, SCACR, petitioner moves this Court to permit argument against precedent. This case is scheduled for oral argument on Tuesday, November 9, 2021, at 9:30 a.m. before this Court. This motion pertains only to Issue 3 of appellant's brief which concerns whether truthful information about the consequences of a verdict of not guilty by reason of insanity should be given to a capital jury.

The state, at trial and on appeal, has contended that three cases control the result: State v. Poindexter, 314 S.C. 490, 431 S.E.2d 254 (1993); State v. Huiett, 271 S.C. 205, 246 S.E.2d 862 (1978); and State v. Stanko, 376 S.C. 571, 658 S.E.2d 94 (2008). Appellant discussed and distinguished all three of these cases in his brief. However, to the extent this Court accepts the

state's contention that these three cases are controlling precedent, counsel seeks permission to argue against precedent.

Respectfully submitted,



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This 19th day of October, 2021.