

SUPREME COURT OF SOUTH CAROLINA

State v. Childers, 373 S.C. 367

645 S.E.2d 233 (2007) · No. No. 26319 · Decided April 23, 2007

SUMMARY

The Supreme Court of South Carolina reviewed the denial of William Larry Childers's request to replace defense counsel and the refusal to instruct the jury on voluntary manslaughter. The court held that the trial judge did not abuse discretion in denying counsel replacement and that the evidence did not support a voluntary manslaughter charge because the alleged provocation came from a third party rather than the victim. The court upheld Childers's convictions in part and reversed the Court of Appeals' contrary ruling regarding the manslaughter instruction.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Burnett; Burnett; Moore; Pleicones; Toal; Waller
JURISDICTION	South Carolina
DECIDED	April 23, 2007
DOCKET	No. 26319
DISPOSITION	reversed
PROCEDURAL POSTURE	The South Carolina Supreme Court granted both parties' petitions for writ of certiorari to review the Court of Appeals' decision. The State challenged the reversal of Childers' murder conviction based on the failure to give a voluntary manslaughter instruction, and Childers challenged the denial of his request to relieve defense counsel.
STANDARD OF REVIEW	A motion to relieve counsel is reviewed for abuse of discretion, and the defendant bears the burden of showing satisfactory cause for removal. Whether a jury instruction is required is determined from the evidence presented at trial, viewed in the light most favorable to the defendant; a manslaughter instruction may be omitted only when there is no evidence whatsoever tending to reduce murder to manslaughter.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	William Larry Childers, Jr. v. The State

TOPICS

lesser included offense instructions

jury instructions

criminal procedure

right to counsel

appellate procedure

PRACTICE AREAS

criminal procedure

appellate procedure

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Childers' request to relieve defense counsel, who had previously prosecuted Childers on an unrelated charge.
2. Whether the trial court erred by refusing to instruct the jury on voluntary manslaughter where Childers claimed that he fired in response to being shot at by a third party and the victim was accidentally struck.

HOLDINGS

1. The trial court did not abuse its discretion in refusing to relieve defense counsel because Childers failed to show satisfactory cause, divided loyalties, or an actual conflict of interest arising from counsel's prior prosecution of him on an unrelated charge.
2. The trial court properly refused to instruct the jury on voluntary manslaughter because the evidence, even viewed in the light most favorable to Childers, did not show that the victim supplied the sufficient legal provocation required for a voluntary manslaughter charge. The Court of Appeals therefore erred in reversing Childers' murder conviction on that ground.

KEY QUOTATIONS

“Voluntary manslaughter is the unlawful killing of a human being in the sudden heat of passion upon a sufficient legal provocation.” (373)

“Because there is no evidence whatsoever tending to reduce the crime from murder to voluntary manslaughter, the Court of Appeals erred in finding the trial judge erroneously failed to give a voluntary manslaughter charge.” (374)

“A motion to relieve counsel is addressed to the discretion of the trial judge and will not be disturbed absent an abuse of discretion.” (372)

FACTUAL BACKGROUND

Childers went to the home of his former live-in girlfriend in the early morning hours after an earlier confrontation. According to the State's witnesses, he approached the group in the yard and shot the victim twice in the head, then fired additional shots at the victim's sister. Childers testified that the victim's former brother-in-law shot at him first and that he returned fire, unintentionally shooting the victim. The trial court instructed the jury on murder, involuntary manslaughter, and self-defense, but not voluntary manslaughter.

PROCEDURAL HISTORY

Childers was convicted of murder, assault of a high and aggravated nature, and discharging a firearm into a dwelling, receiving life imprisonment for murder and concurrent ten-year sentences for the other convictions. The trial court denied his request to replace defense counsel and refused to give a voluntary manslaughter instruction. The Court of Appeals affirmed the ruling concerning counsel but reversed and remanded the murder conviction based on the failure to give the voluntary manslaughter charge. The Supreme Court affirmed the counsel ruling and reversed the Court of Appeals' ruling on the jury instruction, thereby upholding the convictions.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Supreme Court reversed the Court of Appeals' reversal and remand of the murder conviction and upheld Childers' convictions. No further remand instructions were provided.

CASES CITED

- State v. Gregory, 364 S.C. 150, 612 S.E.2d 449 (2005)
- State v. Graddick, 345 S.C. 383, 548 S.E.2d 210 (2001)
- People v. Abar, 290 A.D.2d 592, 736 N.Y.S.2d 155 (N.Y. App. Div. 2002)
- State v. Cobbs, 221 Wis. 2d 101, 584 N.W.2d 709 (1998)
- State v. Hicks, 330 S.C. 207, 499 S.E.2d 209 (1998)
- State v. Kornahrens, 290 S.C. 281, 350 S.E.2d 180 (1986)
- State v. Byrd, 323 S.C. 319, 474 S.E.2d 430 (1996)
- State v. Hughey, 339 S.C. 439, 529 S.E.2d 721 (2000)
- State v. Cole, 338 S.C. 97, 525 S.E.2d 511 (2000)
- State v. Lowry, 315 S.C. 396, 434 S.E.2d 272 (1993)
- State v. Locklair, 341 S.C. 352, 535 S.E.2d 420 (2000)
- State v. Tucker, 324 S.C. 155, 478 S.E.2d 260 (1996)
- State v. Childers, 358 S.C. 614, 595 S.E.2d 872 (Ct. App. 2004)
- State v. Walker, 324 S.C. 257, 478 S.E.2d 280 (1996)
- State v. Penland, 275 S.C. 537, 273 S.E.2d 765 (1981)
- United States v. Bailey, 444 U.S. 394, 100 S. Ct. 624, 62 L. Ed. 2d 575 (1980)
- State v. Fennell, 340 S.C. 266, 531 S.E.2d 512 (2000)
- State v. Gandy, 283 S.C. 571, 324 S.E.2d 65 (1984)
- State v. McElveen, 280 S.C. 325, 313 S.E.2d 298 (1984)
- Casey v. State, 305 S.C. 445, 409 S.E.2d 391 (1991)
- State v. Barroso, 328 S.C. 268, 493 S.E.2d 854 (1997)

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