

SUPREME COURT OF SOUTH CAROLINA

State v. Commander, 396 S.C. 254

721 S.E.2d 413 (2011) · No. 27062 · Decided October 31, 2011

SUMMARY

The Supreme Court of South Carolina affirmed, as modified, the Court of Appeals' decision upholding Christopher Sam Commander's murder conviction. The court held that a qualified forensic pathologist may testify regarding the cause and manner of death, including homicide, when the testimony does not address the defendant's state of mind or guilt. The court also held that the evidence did not support an instruction on the defense of accident.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Beatty; Justice Kittredge; Justice Pleicones; Acting Justice James E. Moore
JURISDICTION	South Carolina
DECIDED	October 31, 2011
DOCKET	27062
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner appealed from the South Carolina Court of Appeals' affirmance of his murder conviction, challenging the admission of forensic-pathology testimony concerning the victim's manner of death and the refusal to instruct the jury on accident.
STANDARD OF REVIEW	The Supreme Court reviews criminal cases for errors of law. Evidentiary rulings are reviewed for manifest abuse of discretion accompanied by probable prejudice. Jury-charge rulings are reviewed for abuse of discretion, and refusal to give a requested charge warrants reversal only when both erroneous and prejudicial.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Christopher Sam Commander v. State of South Carolina

TOPICS

- expert testimony
- evidence
- jury instructions
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

evidence

appellate law

QUESTIONS PRESENTED

1. Whether the trial court improperly admitted a forensic pathologist's expert testimony that the victim's manner of death was homicide.
2. Whether the trial court improperly refused to instruct the jury on the defense of accident.

HOLDINGS

1. A qualified forensic-pathology expert may testify under Rule 702, SCRE, concerning the cause and manner of death, including that a death was homicidal, so long as the expert does not testify about the defendant's state of mind, guilt, or matters of law in a manner that prevents the jury from reaching its own conclusion. The testimony was admissible here, and any potential prejudice was cured by the trial court's explanation of the term homicide and instructions allowing the jury to evaluate the expert testimony independently.
2. The trial court properly refused to instruct the jury on accident because, even viewing the evidence in the light most favorable to Commander, there was no evidence that he accidentally suffocated the victim. His statement suggesting an accidental killing was posed as a hypothetical during a request for legal advice, while his later statement indicated that he was conscious when he suffocated her.

KEY QUOTATIONS

"Consequently, we adopt a rule whereby an expert in forensic pathology's opinion testimony as to cause and manner of death is admissible under Rule 702, SCRE, so long as the expert does not opine on the criminal defendant's state of mind or guilt or testify on matters of law in such a way that the jury is not permitted to reach its own conclusion concerning the criminal defendant's guilt or innocence." (at 269)

"A homicide will be excusable on the ground of accident when (1) the killing was unintentional, (2) the defendant was acting lawfully, and (3) due care was exercised in the handling of the weapon." (at 271)

FACTUAL BACKGROUND

Family members discovered the victim's mummified body in her home after she had been missing for several weeks. Evidence showed that Commander took the victim's vehicle, purse, phone, money, and credit cards, attempted to make others believe she was still alive, and possessed items connecting him to her when arrested. A forensic pathologist opined that the victim died from asphyxiation and that the manner of death was homicide, while a jailhouse acquaintance testified about Commander's statements concerning the killing and a possible accidental fall.

PROCEDURAL HISTORY

A jury convicted Commander of murder in the circuit court. The court of appeals affirmed, concluding that any error in admitting the forensic pathologist's testimony was harmless and that the evidence did not support an accident instruction. The South Carolina Supreme Court affirmed the court of appeals' decision as modified.

DISPOSITION

affirmed

CASES CITED

- State v. Bridges, 278 S.C. 447, 298 S.E.2d 212 (1982)
- State v. Baccus, 367 S.C. 41, 625 S.E.2d 216 (2006)
- State v. Douglas, 369 S.C. 424, 632 S.E.2d 845 (2006)
- Vaught v. A.O. Hardee & Sons, Inc., 366 S.C. 475, 623 S.E.2d 373 (2005)
- State v. Mizzell, 349 S.C. 326, 563 S.E.2d 315 (2002)
- Delaware v. Van Arsdall, 475 U.S. 673 (1986)
- State v. Mitchell, 286 S.C. 572, 336 S.E.2d 150 (1985)
- State v. Key, 256 S.C. 90, 180 S.E.2d 888 (1971)
- Dawkins v. Fields, 354 S.C. 58, 580 S.E.2d 433 (2003)
- Green v. State, 351 S.C. 184, 569 S.E.2d 318 (2002)
- State v. Ellis, 345 S.C. 175, 547 S.E.2d 490 (2001)
- State v. Griggs, 184 S.C. 304, 192 S.E. 360 (1937)
- State v. Clark, 15 S.C. 403 (1881)
- Baraka v. Commonwealth, 194 S.W.3d 313 (Ky. 2006)
- Hundley ex rel. Hundley v. Rite Aid of South Carolina, Inc., 339 S.C. 285, 529 S.E.2d 45 (Ct. App. 2000)
- In re Manigo, 389 S.C. 96, 697 S.E.2d 629 (Ct. App. 2010)
- State v. Vining, 645 A.2d 20 (Me. 1994)
- Rollins v. State, 392 Md. 455, 897 A.2d 821 (2006)
- State v. Bradford, 618 N.W.2d 782 (Minn. 2000)
- State v. Scott, 206 W. Va. 158, 522 S.E.2d 626 (1999)
- State v. Chambers, 507 N.W.2d 237 (Minn. 1993)
- State v. Richardson, 158 Vt. 635, 603 A.2d 378 (1992)
- Fridovich v. State, 489 So. 2d 143 (Fla. Dist. Ct. App. 1986)
- State v. Howard, 195 Mont. 400, 637 P.2d 15 (1981)
- State v. Mattison, 388 S.C. 469, 697 S.E.2d 578 (2010)
- State v. Pittman, 373 S.C. 527, 647 S.E.2d 144 (2007)
- State v. Burkhart, 350 S.C. 252, 565 S.E.2d 298 (2002)
- State v. Cole, 338 S.C. 97, 525 S.E.2d 511 (2000)
- State v. Chatman, 336 S.C. 149, 519 S.E.2d 100 (1999)
- State v. Goodson, 312 S.C. 278, 440 S.E.2d 370 (1994)
- State v. Knoten, 347 S.C. 296, 555 S.E.2d 391 (2001)
- State v. Elliott, 346 S.C. 603, 552 S.E.2d 727 (2001)

- State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005)
- State v. Lee, 79 S.C. 223, 60 S.E. 524 (1908)

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