

SUPREME COURT OF SOUTH CAROLINA

State v. Kierin Marcellus Dennis

Opinion No. 28314 · No. Appellate Case No. 2024-002019 · Decided January 28, 2026

SUMMARY

The South Carolina Supreme Court held that a criminal defendant is not entitled to a second immunity hearing under the Protection of Persons and Property Act after a mistrial. The court concluded that the prior immunity ruling was an independent, final proceeding that remained binding despite the mistrial. The court also held that the circuit court did not abuse its discretion in denying Kierin Marcellus Dennis immunity and remanded the case to the court of appeals to address remaining issues.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Kittredge; Justice Few; Justice James; Justice Hill; Justice Verdin
JURISDICTION	Supreme Court of South Carolina
DECIDED	January 28, 2026
DOCKET	Appellate Case No. 2024-002019
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State petitioned for a writ of certiorari to review the South Carolina Court of Appeals' decision reversing the circuit court's denial of Dennis's request for a second immunity hearing under the Protection of Persons and Property Act after a mistrial.
STANDARD OF REVIEW	The Supreme Court reviews an immunity determination for abuse of discretion. A circuit court abuses its discretion when its ruling is based on an error of law or, when grounded in factual conclusions, lacks evidentiary support.
PRECEDENTIAL VALUE	published
PARTIES	The State v. Kierin Marcellus Dennis

TOPICS

criminal procedure

self defense

appellate procedure

standard of review

statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

self-defense immunity

appellate practice

QUESTIONS PRESENTED

1. Whether a criminal defendant is entitled to a second immunity hearing under the Protection of Persons and Property Act after a mistrial.
2. Whether the circuit court abused its discretion in denying Dennis immunity from prosecution under the Protection of Persons and Property Act.

HOLDINGS

1. A mistrial does not entitle a criminal defendant to a second immunity hearing under the Protection of Persons and Property Act. An immunity ruling is an independent pretrial proceeding that remains final and binding after a mistrial.
2. The circuit court did not abuse its discretion in denying Dennis immunity because the record contained sufficient evidence to support its finding that Dennis failed to prove the elements of self-defense by a preponderance of the evidence.

KEY QUOTATIONS

“Because an immunity hearing functions as an independent proceeding, we find the grant of a mistrial does not entitle a criminal defendant to a second immunity hearing under the Act.” (at 2)

“Simply put, we find an immunity hearing is unaffected by a subsequent deadlocked jury resulting in a mistrial.” (at 8)

“A final ruling may not be reconsidered except as provided by law.” (at 12)

FACTUAL BACKGROUND

Dennis stabbed Da'Von Capers during a confrontation between fans of rival high schools after a basketball game. Dennis claimed he acted in self-defense after rival fans surrounded his vehicle and that Capers was partially inside the vehicle. The State's evidence indicated Dennis aggressively drove toward the group, threatened the rival fans, and stabbed Capers before driving away; forensic analysts found no fingerprints inside the vehicle other than Dennis's. The circuit court found Dennis failed to establish the statutory self-defense requirements by a preponderance of the evidence.

PROCEDURAL HISTORY

Dennis was indicted for murder and sought immunity from prosecution based on self-defense. The circuit court denied immunity after a pretrial hearing, and Dennis's first trial ended in a mistrial when the jury could not reach a unanimous verdict. Before a second trial, the circuit court declined to conduct a new immunity hearing and again denied immunity; Dennis was convicted at the second trial. The Court of Appeals reversed, holding that the mistrial required a new immunity hearing. The Supreme Court reversed the Court of Appeals and remanded for consideration of Dennis's remaining appellate issues.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded to the South Carolina Court of Appeals to consider the two remaining issues on appeal, concerning the admission of an aerial photograph of the restaurant and a model car door of Dennis's Ford Explorer.

CASES CITED

- State v. Andrews, 427 S.C. 178, 830 S.E.2d 12 (2019)
- State v. Dickey, 394 S.C. 491, 716 S.E.2d 97 (2011)
- State v. Robinson, 360 S.C. 187, 600 S.E.2d 100 (Ct. App. 2004)
- Grooms v. Zander, 246 S.C. 512, 144 S.E.2d 909 (1965)
- State v. Woods, 382 S.C. 153, 676 S.E.2d 128 (2009)
- Keels v. Powell, 213 S.C. 570, 50 S.E.2d 704 (1948)
- Floyd v. Page, 124 S.C. 400, 117 S.E. 409 (1923)
- State v. Smith, 336 S.C. 39, 518 S.E.2d 294 (Ct. App. 1999)
- Enoree Baptist Church v. Fletcher, 287 S.C. 602, 340 S.E.2d 546 (1986)
- State v. Duncan, 392 S.C. 404, 709 S.E.2d 662 (2011)
- State v. Cervantes-Pavon, 426 S.C. 442, 827 S.E.2d 564 (2019)
- Council v. State, 380 S.C. 159, 670 S.E.2d 356 (2008)
- State v. McCarty, 437 S.C. 355, 878 S.E.2d 902 (2022)
- State v. Jones, 416 S.C. 283, 786 S.E.2d 132 (2016)
- State v. Glenn, 429 S.C. 108, 838 S.E.2d 491 (2020)
- State v. Scott, 424 S.C. 463, 819 S.E.2d 116 (2018)
- State v. Isaac, 405 S.C. 177, 747 S.E.2d 677 (2013)
- Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 518 S.E.2d 591 (1999)