

SUPREME COURT OF SOUTH CAROLINA

The State v. Joseph Bowers

Bowers · No. 2019-001776 · Decided June 29, 2022

SUMMARY

The South Carolina Supreme Court affirmed the Court of Appeals' reversal of Joseph Bowers's ABHAN conviction arising from a multi-person shootout. The court held that the erroneous mutual-combat jury instruction prejudiced Bowers because it could have led the jury to conclude that his alleged mutual combat with one victim barred self-defense as to another victim. A dissent would have found that the trial court's supplemental instruction cured any error and would have reinstated the convictions involving Richard Green.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of South Carolina                                                                                                                                                                                                                                                                                                |
| WRITING FOR THE COURT | Justice Few; Justice James; Chief Justice Beatty; Justice Kittredge; Acting Justice Thomas E. Huff                                                                                                                                                                                                                             |
| JURISDICTION          | South Carolina                                                                                                                                                                                                                                                                                                                 |
| DECIDED               | June 29, 2022                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 2019-001776                                                                                                                                                                                                                                                                                                                    |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                       |
| PROCEDURAL POSTURE    | The State petitioned for a writ of certiorari to review the South Carolina Court of Appeals' reversal of Bowers's convictions, challenging only whether an erroneous mutual-combat jury instruction prejudiced Bowers as to the ABHAN conviction involving Richard Green.                                                      |
| STANDARD OF REVIEW    | An erroneous jury instruction warrants reversal when it is prejudicial, meaning it contributed to the jury's verdict. The court evaluates whether a reasonable juror would have understood the charge to mean and, if there is reasonable doubt whether the error contributed to the verdict, the conviction must be reversed. |
| PRECEDENTIAL VALUE    | Published South Carolina Supreme Court opinion; precedential.                                                                                                                                                                                                                                                                  |
| PARTIES               | The State of South Carolina v. Joseph Bowers                                                                                                                                                                                                                                                                                   |

TOPICS

jury instructions

self defense

lesser included offense instructions

harmless error

preservation of error

## PRACTICE AREAS

criminal law

criminal procedure

appellate practice

## QUESTIONS PRESENTED

1. Whether the erroneous mutual-combat jury instruction prejudiced Bowers as to the ABHAN conviction involving Richard Green.
2. Whether the trial court's supplemental answer to the jury's question cured the confusion created by the initial mutual-combat instruction.

## HOLDINGS

1. An erroneous jury instruction is prejudicial when it contributed to the jury's verdict; if the court has reasonable doubt whether the instruction affected the jury's deliberations, the conviction must be reversed.
2. When applicable, mutual combat negates self-defense by making the defendant at fault in bringing on the difficulty; if a prior mutual combat dispute leads to a multi-person shootout, that fault may extend to injuries inflicted on other victims, including victims who were not participants in the prior dispute.
3. A supplemental instruction does not cure an erroneous jury charge when it supplies another incorrect statement of law and fails to clearly inform the jury that the original erroneous instruction was inapplicable or withdrawn.

## KEY QUOTATIONS

*"When an incorrect charge is given, the court must withdraw it; '[m]erely superimposing a correct statement of law over an erroneous charge only fosters confusion and prejudice.'" (at 401)*

*"mutual combat acts as a bar to self-defense because it requires mutual agreement to fight on equal terms for purposes other than protection." (at 232-34)*

*"When two or more individuals engage in combat via a reckless shootout, they collectively trigger an escalating chain reaction that creates a high risk to any human life falling within the field of fire." (at 157-58)*

## FACTUAL BACKGROUND

At least ten people participated in a chaotic shootout at the Midnight Soul Patrol on St. Helena Island, where four people were shot and two died. Bowers claimed self-defense after being charged with offenses arising from the shootings, including the shooting of Richard Green. The trial court instructed the jury on mutual combat over Bowers's objection, and its subsequent answer to a jury question did not clearly explain that any purported mutual combat with Michael Morgan could not foreclose self-defense as to Green.

## PROCEDURAL HISTORY

Bowers was tried in the Beaufort County Circuit Court and convicted of voluntary manslaughter, ABHAN, and possession of a firearm during the commission of a violent crime. The Court of Appeals reversed the convictions after finding no evidence supported charging mutual combat. The Supreme Court of South Carolina granted the State's petition for a writ of certiorari and affirmed the Court of Appeals' decision to reverse the ABHAN conviction.

## DISPOSITION

affirmed

## REMAND INSTRUCTIONS

The Supreme Court affirmed the Court of Appeals' decision reversing the ABHAN conviction. No additional remand instructions are stated.

## CASES CITED

- State v. Bowers, 428 S.C. 21, 25-28, 34, 36, 832 S.E.2d 623, 625-27, 630-31 (2019)
- State v. Taylor, 356 S.C. 227, 232-34, 589 S.E.2d 1, 3-5 (2003)
- State v. Young, 429 S.C. 155, 157-58, 838 S.E.2d 516, 517 (2020)
- State v. Graham, 260 S.C. 449, 452, 196 S.E.2d 495, 496 (1973)
- State v. Stukes, 416 S.C. 493, 498, 787 S.E.2d 480, 482 (2016)
- State v. Curry, 406 S.C. 364, 373, 752 S.E.2d 263, 267 (2013)
- State v. Burdette, 427 S.C. 490, 496, 503 n.3, 832 S.E.2d 575, 578, 583 n.3 (2019)
- State v. Simmons, 423 S.C. 552, 566, 816 S.E.2d 566, 574 (2018)
- State v. Tapp, 398 S.C. 376, 389, 728 S.E.2d 468, 475 (2012)
- State v. Charping, 313 S.C. 147, 157, 437 S.E.2d 88, 94 (1993)
- State v. Chavis, 412 S.C. 101, 110 n.7, 115 n.14, 771 S.E.2d 336, 340 n.7, 343 n.14 (2015)
- State v. Robinson, 306 S.C. 399, 401, 412 S.E.2d 411, 413 (1991)
- State v. Porter, 269 S.C. 618, 621-23, 239 S.E.2d 641, 642-43 (1977)
- Jackson v. State, 355 S.C. 568, 572, 586 S.E.2d 562, 564 (2003)
- State v. Mathis, 174 S.C. 344, 348, 177 S.E. 318, 319 (1934)
- State v. Lee, 85 S.C. 101, 104-06, 67 S.E. 141, 142 (1910)
- State v. Young, 429 S.C. 155, 157-58, 838 S.E.2d 516, 517 (2020)