

SUPREME COURT OF SOUTH CAROLINA

State v. Jones, 343 S.C. 562

541 S.E.2d 813 (2001) · No. No. 25242 · Decided January 24, 2001

SUMMARY

The Supreme Court of South Carolina reversed Jeffrey L. Jones's convictions and sentences for two murders, first-degree burglary, armed robbery, and criminal conspiracy. The court held that the trial judge improperly limited cross-examination of an accomplice, admitted unreliable barefoot-insole impression evidence, admitted improper character-related identification testimony, and altered the reasonable-doubt instruction after closing argument. The court also rejected the appellant's penalty-phase challenges concerning crime-scene photographs, video evidence, and the sentencing instruction.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Pleicones, Justice; Toal, C.J.; Moore, J.; Waller, J.; Burnett, J.; Pleicones, J.
JURISDICTION	South Carolina
DECIDED	January 24, 2001
DOCKET	No. 25242
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Jones appealed convictions for two counts of murder, first-degree burglary, armed robbery, and criminal conspiracy, together with two death sentences and other concurrent sentences.
STANDARD OF REVIEW	Admission or exclusion of expert evidence under Rule 702, South Carolina Rules of Evidence, is reviewed for abuse of discretion. The court treated the challenged evidentiary and jury-charge errors as reversible under the circumstances and rejected the State's harmless-error arguments.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Jeffrey L. Jones v. The State

TOPICS

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

PRACTICE AREAS

Criminal law

Criminal procedure

Evidence

Capital sentencing

Appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court improperly limited Jones's cross-examination of accomplice James Brown concerning Brown's prior plea bargains and possible bias or motive.
2. Whether the trial court improperly admitted expert testimony concerning barefoot insole impressions in a boot allegedly connected to Jones.
3. Whether the trial court improperly admitted testimony that Jones was identified to police as someone who might have a grudge against victim Pipkin.
4. Whether the trial court violated fundamental fairness by changing the reasonable-doubt instruction after defense counsel relied on the previously announced instruction in closing argument.
5. Whether the trial court properly admitted photographs and a crime-scene videotape during the penalty phase.
6. Whether the trial court was required to instruct the penalty-phase jury that, upon finding an aggravating circumstance, its sentencing choices were death or life without possibility of parole.

HOLDINGS

1. The trial court committed reversible error under Rule 608(c), South Carolina Rules of Evidence, by refusing to permit Jones to cross-examine Brown about prior plea bargains with the same solicitor's office that would decide whether to seek the death penalty against Brown.
2. The trial court erred in admitting expert testimony purporting to show that Jones's foot was consistent with the primary wearer's impression in a steel-toe boot; the scientific foundation for barefoot insole impression testing was insufficient under Rule 702 and the reliability factors adopted in *State v. Jones*.
3. The trial court committed reversible error by admitting testimony that Orr gave police Jones's name as someone who might have a grudge against Pipkin.
4. The trial court acted fundamentally unfairly by excising the previously announced 'hesitate to act' language from the reasonable-doubt charge after defense counsel structured and delivered closing argument in reliance on that language.
5. The trial court did not err in admitting the challenged photographs and crime-scene videotape during the penalty phase because they accurately depicted the victims, their injuries, and the circumstances of the crime.
6. Under the court's precedents, the trial court was not required to instruct the penalty-phase jury that, upon finding an aggravating circumstance, its sentencing choices were death or life without possibility of parole.

KEY QUOTATIONS

“Bias, prejudice or any motive to misrepresent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced.” (570)

“In our opinion, it is premature to accept that there exists a science of "barefoot insole impressions."” (573)

“We decline to hold that a limiting instruction always cures an evidentiary error.” (576)

“The decision to alter the charge, after the argument, was fundamentally unfair.” (578)

FACTUAL BACKGROUND

John Pipkin and Susan Furman were bludgeoned to death in the West Columbia home they shared, and money was taken. The State's case rested entirely on testimony from James Brown, Jones's friend, roommate, and self-confessed accomplice, who claimed that Jones planned and participated in the robbery and murders. Other evidence included a bloody boot print, a hammer recovered through Brown's directions, testimony that Jones was angry with Pipkin over a paycheck deduction, and evidence placing Jones and Brown together near the crime scene.

PROCEDURAL HISTORY

A jury convicted Jones of the charged offenses and imposed two death sentences for the murders. On direct appeal, Jones raised six issues, four concerning the guilt phase and two concerning the penalty phase. The Supreme Court of South Carolina found four reversible guilt-phase errors, reversed the convictions and sentences, and remanded for a new trial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The convictions and sentences were reversed and the matter was remanded for a new trial.

CASES CITED

- State v. Brewington, 267 S.C. 97, 226 S.E.2d 249 (1976)
- State v. Aleksey, 343 S.C. 20, 538 S.E.2d 248 (2000)
- State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999)
- State v. Jones, 273 S.C. 723, 259 S.E.2d 120 (1979)
- German v. State, 325 S.C. 25, 478 S.E.2d 687 (1996)
- State v. Brown, 317 S.C. 55, 451 S.E.2d 888 (1994)
- State v. Smith, 290 S.C. 393, 350 S.E.2d 923 (1986)
- State v. Manning, 305 S.C. 413, 409 S.E.2d 372 (1991)
- United States v. Kostoff, 585 F.2d 378 (9th Cir. 1978)
- State v. McWee, 322 S.C. 387, 472 S.E.2d 235 (1996)

- State v. Woomer, 277 S.C. 170, 284 S.E.2d 357 (1981)
- State v. Day, 341 S.C. 410, 535 S.E.2d 431 (2000)
- State v. Pace, 316 S.C. 71, 447 S.E.2d 186 (1994)
- State v. Simmons, 267 S.C. 479, 229 S.E.2d 597 (1976)
- State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105 (2000)
- State v. Powers, 331 S.C. 37, 501 S.E.2d 116 (1998)
- State v. Kelly, 343 S.C. 350, 540 S.E.2d 851 (2001)
- State v. Starnes, 340 S.C. 312, 531 S.E.2d 907 (2000)
- State v. Shafer, 340 S.C. 291, 531 S.E.2d 524 (2000)

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