

Mutual combat occurs when there is a mutual intent and willingness to fight. *State v. Bowers*, 428 S.C. 21, 32, 832 S.E.2d 623, 629, (Ct. App. 2019). Mutual intent is manifested by the acts and conduct of parties and the circumstances leading up to the combat. *Id.* Mutual combat requires that: (1) the fight arise out of a pre-existing dispute; (2) that the combatants be armed with deadly weapons armed and aware that each other is armed; and (3) that the agreement to fight be entered into prior to the beginning of combat. *Id.*

Element	Case Law	Instant Case
Fight must arise out of preexisting dispute or ill will between combatants	First, the fight must arise out of a pre-existing dispute or ill will between the combatants. <i>State v. Young</i> , 424 S.C. 424. This antecedent agreement to fight can be evidenced by prior threats or quarrels between the parties. <i>State v. Graham</i> , 260 S.C. 449.	On going ill will between Jew and people MR “hangs around.” In Marquise Robinson’s (MR) interview with law enforcement, MR denies threats made between the two parties and any fights in the past, but admits that they do not like each other after the death of MR’s friend that Jew was apparently involved in. This element may only be satisfied if there is evidence MR and Jew both made threats to each other or fought/quarreled in the past.
Rival combatants armed with deadly weapons	Second, the State must prove that the rival combatants were armed with deadly weapons and that each combatant knew the others were armed <i>State v. Young</i> , 429 S.C. 155. (This requirement ensures that both parties were aware of the lethal nature of the confrontation.)	In the instant case, MR admitted he had a gun and showed it to Jew to protect himself by moving the gun to the front of his waist, and Jew pulled his gun out around the same time. Therefore, this element is likely satisfied.
Mutual intent and/or willingness to fight	Third, there must be mutual intent and willingness to fight, which is demonstrated by the acts and conduct of the parties and the circumstances leading up to the combat. <i>State v. Young</i> , 429 S.C. 15; <i>State v. Taylor</i> , 356 S.C. 227. This mutual intent does not require formal agreement but can be shown by the parties willfully entering into the conflict, even on the impulse of the moment. <i>State v. Young</i> , 429 S.C. 155.	In MR’s interview, MR said he walked back to Jew instead of walking away after Jew said something to him in the mall. MR moved his gun to the front of his waist to show Jew he had a gun. MR claimed that he moved his gun and showed it to protect himself. MR told law enforcement that if he wanted to shoot Jew, he would have shot him before Jew shot. But instead, MR said he ran when gunshots fired. MR claimed he did not expect gunfire. This element may only be satisfied if there is evidence MR was ready to fight Jew, not that MR was only showing his gun to protect himself.