IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-KA-00595-COA

GLENN ANTOINE RASH A/K/A GLENN ANTONE RASH A/K/A GLENN RASH — **APPELLANT**

v.

STATE OF MISSISSIPPI — **APPELLEE**

DATE OF JUDGMENT:	05/07/2025
TRIAL JUDGE:	HON. JAMES McCLURE III
COURT FROM WHICH APPEALED:	TATE COUNTY CIRCUIT COURT
ATTORNEY FOR APPELLANT:	OFFICE OF STATE PUBLIC DEFENDER BY: STACY L. FERRARO
ATTORNEY FOR APPELLEE:	OFFICE OF THE ATTORNEY GENERAL BY: ALEXANDRA LEBRON
DISTRICT ATTORNEY:	JAMES STEPHEN HALE JR.
NATURE OF THE CASE:	CRIMINAL - FELONY
DISPOSITION:	AFFIRMED - 11/03/2026
MOTION FOR REHEARING FILED:	

BEFORE CARLTON, P.J., LAWRENCE AND LASSITTER ST. PÉ, JJ.

LAWRENCE, J., FOR THE COURT:

¶1. Glenn Antoine Rash was dating Anna Rook in May 2021 when they had a physical altercation outside Rash's apartment. Rook sustained serious injuries to her left hand when Rash used a hedge trimmer to attack her. Rash was indicted for aggravated domestic violence. At trial, Rash's counsel questioned Rook about two separate statements she gave to the police. The State attempted to introduce both statements and a video of one of those statements being given to rebut Rash's implication that she fabricated facts. Rash objected, alleging that the State was bolstering Rook's testimony. The trial court overruled the objection and allowed the evidence to be admitted. Rash also requested a jury instruction

based on the castle doctrine, but it was denied. The jury convicted Rash of aggravated domestic violence. Rash appealed, contending that the State engaged in improper bolstering of Rook's testimony and that the court erred by not giving the jury a castle doctrine instruction. Finding no error as to either issue, we affirm.

FACTUAL AND PROCEDURAL HISTORY

¶2. Glenn Rash and Anna Rook were romantically involved for approximately two years. On May 17, 2021, Rash and Rook were traveling in Rook's vehicle when they got into a disagreement. While driving Rook's vehicle, Rash drove to his own home and parked in the driveway. When Rash and Rook exited the vehicle, a physical altercation occurred. Rook called the police and drove herself to the hospital, suffering serious injuries to her left hand after Rash attacked her with a hedge trimmer. Rash was arrested. Both parties alleged that the other was the initial aggressor.

¶3. On January 15, 2025, Rash was indicted for aggravated domestic violence.[1] Specifically, the indictment alleged Rash had "cause[d] serious bodily injury to Anna Rook under circumstances manifesting extreme indifference to the value of human life, to-wit: by choking Anna Rook, by striking her on the head with an unknown object, and striking her with a hedge trimmer" while engaged in a "current or former dating relationship" with Rook.

¶4. On March 31, 2025, the circuit court held Rash's trial. The State called several witnesses such as Elaina Woodruff, Rook's nurse following the incident. Woodruff testified that Rook stated she had been "assaulted with a saw blade" and presented with a "deformity"

[1] Rash was initially indicted as a habitual offender, and he filed a motion to quash that portion of the indictment. The court granted the motion on March 11, 2025.

on her left hand, a "large laceration" across her left fingers, and a "small open wound" on her left forearm. The State also called Hannah Mitchell, a DNA forensic-science expert, who identified blood on the blade of the hedge trimmer from the scene, stating that Rook "could not be excluded" from the DNA in the blood found on the blade.

¶5. The State also called Chief Ricky Dandridge, who served as an investigator for the Coldwater Police Department at the time of this incident. Chief Dandridge testified that Rook had spoken with him and provided him with photographs of her injuries. He also stated that Rook gave two written statements to the authorities and that he retrieved the weapon used to harm Rook, a "hedge trimmer," to send to the Mississippi Crime Laboratory. Chief Dandridge testified there was bodycam footage from the day Rash's warrant was served, and that footage was played for the jury and admitted into evidence.[2] He noted that Rash was stating that he had been attacked, but Chief Dandridge observed no physical evidence of an altercation on his person.

¶6. Rook also testified. She stated that on the day of the incident, she and Rash were driving home from Memphis, and she asked Rash to slow down while driving her truck. This angered Rash, who began speeding up, "beating the dashboard" and breaking the armrest. Rash continued driving and eventually "pulled up in his drive[way] and got out" of her truck. Rook recalled being scared and asking to "get [her] belongings" so she could go to her own home, but Rash "held [the keys] up" and "would not give them to me." Rook turned around to walk in the direction of her truck when Rash "hit me in the back of the head with

[2] The footage was less than two minutes long and showed authorities retrieving the hedge trimmer based on where Rash told them to find it.

something, I don't know what it was." Rook was knocked against her truck before Rash "[g]rabbed me by my hair, slammed me down on the ground, [and] got down on me." Rash then "[p]ut his fingers around my neck, and on my mouth, and told me that he would kill me and my family."

¶7. Rook testified that she again asked Rash for her keys so she could leave but said he "threw my keys and I couldn't find them." Rook picked up a broom handle to defend herself but ultimately did not use it. Rash approached her with an object in his hand—later identified as a hedge trimmer—and, to keep her face from getting hit, she raised her hand, which was then injured. Rash began chasing Rook but "finally stopped." Rook found her keys on the ground, got into her truck, and called the local police. She testified that she immediately drove to the hospital because her "hand was bleeding so bad." Rook testified that Rash broke two of the bones in her left hand, and she had to have surgery. The State introduced into evidence four photographs of her injuries and one photograph of her hand following surgery. Rook testified that she was in pain after her surgery, she was still in pain even at the time of trial, she was unable to make a fist, and she would never regain full mobility of her hand.

¶8. On cross-examination, Rook testified that she gave two written statements for the police. The first statement was made on the day of the incident, May 17, 2021, and was approximately one page. Rook's second statement was given on May 23, 2021, and was approximately four pages long. She agreed that the second statement went into more detail than the first. The following exchange took place:

[**COUNSEL**]: Ms. Rook, you wrote two statements on this matter; is that right?

[**ROOK**]: Yes.

[**COUNSEL**]: Okay. And the first one is about half a page, it's about ten lines; is that right.

[**ROOK**]: Yes.

[**COUNSEL**]: And that was written on May 17, 2021; is that right?

[**ROOK**]: Yes.

[**COUNSEL**]: And the second one is about four pages, right?

[**ROOK**]: Yes.

[**COUNSEL**]: And you wrote that one on, I think, May 23, does that sound right?

[**ROOK**]: That's about right.

[**COUNSEL**]: Okay. If I tell you that you signed it May 23 of 2021, is that - - you agree with that?

[**ROOK**]: Yes.

[**COUNSEL**]: And then you added a whole lot more detail to the second one than you did the first, agreed?

[**ROOK**]: Yes.

[**COUNSEL**]: And then you added more detail here today than you did in either of these two, about him breaking the center console. You never tell us any of that in these statements, right?

[**ROOK**]: Yes, yes.

. . . .

[**COUNSEL**]: Let me ask you this, did you tell us about him breaking the center console in your statements?

[**ROOK**]: I wrote it down. I thought I wrote it down.

[**COUNSEL**]: Okay. And on the second statement, which is about a week after the first one, agreed?

[**ROOK**]: Yes.

[**COUNSEL**]: From the 17th to the 23rd?

[**ROOK**]: Yes.

[**COUNSEL**]: At that time you knew that [Rash] had filed charges on you agreed?

[**ROOK**]: I think so.

[**COUNSEL**]: Okay. And so in the second one you made sure that a whole lot more stuff was covered, than it was in the first one. You agree with that?

[**ROOK**]: No. I was hurting so bad the first day I had to leave, that

was the day after that I had got attacked. And I was hurting so bad, he let me leave and come back.

[**COUNSEL**]: Okay. But your first one you give it from beginning to end, right? You didn't just stop in the middle of your statement. You agree with that, right?

[**ROOK**]: I had to write fast, my hand was hurting really bad, to the point where I was crying. And I couldn't take it any longer.

¶9. Counsel for Rash then asked Rook to confirm several portions of her statement, including the sequence of events and where the hedge trimmer came from. Rook explained that her story "may have came out a little different on that writing," but it was accurate. Rash's counsel questioned Rook about her statements and why they did not match the testimony she had just given to the jury. Rash's counsel specifically asked whether Rook's second statement, given after Rash had pressed charges against her, had changed for that reason. Rook asserted that her hand was hurting on the day of the incident, and the authorities allowed her to leave and come back; that was why, she stated, the second statement was more in-depth. On re-direct, Rook agreed that she gave an initial statement after the police had arrived, and the State entered it into evidence. When shown her second statement, Rook agreed that it was also hers; the second statement was then entered into evidence. The State aimed to make clear that Rook's first statement had been written while her hand injuries were still hurting and the second was not. Rook also stated that Rash had brought assault charges against her, but the court had dismissed them, as they "appear[ed] to be retaliatory charges." Those documents were also admitted into evidence. The State then requested to play video footage of Rook writing her first statement for the jury. Rash's counsel objected to bolstering, but the court found that he "opened the door" during Rook's

cross-examination and permitted the video to be played for the jury.[3]

¶10. The defense also called witnesses, including Deputy Michael Smith, who had responded to the scene and testified that he observed "a bite mark on [Rash's] thumb" at the scene. Rash's mother, Marilyn, also testified and stated that Rash and Rook had seen each other since the incident despite Rook's claims otherwise.

¶11. Finally, Rash testified in his own defense. Rash stated that he and Rook had an argument while he was driving Rook's vehicle before arriving at his apartment. Before arriving at his apartment, Rash allegedly told Rook, "You can go home, I don't want you staying with me tonight, because this done got out of hand[.]" He asked that Rook retrieve his belongings still in her vehicle and exited the vehicle without her keys. Rash alleged that he then put his key into the door and that Rook "ran behind me, snatched it from behind, one hand by my neck, the other hand by the shoulder, and she snatched me, talking about get[ting] her stuff out of there." He pushed her away from him, which caused her to fall to the ground.

¶12. When she got back up, "she grabbed a stick, like a—it's like a—something like a broke handle off a mop or something," and began "beating on" one of the windows of his home. Rash alleged Rook broke the window, and he moved towards her to take the stick away from her. Rash's hand was hit by the stick, but once he retrieved it, he "threw the stick away from" Rook. Rash began to try entering his home again, but Rook was behind him "coming down with a hammer in her hand." She hit Rash's hand, and Rash "reached for the

[3] The video footage was included in the State's discovery.

closest thing to me . . . [a]nd I picked it up, really not knowing what I picked up." Rash used the item to block Rook and testified that he "wasn't trying to hurt her." He asserted that once Rook "retreated back from me," he put the object down and did not chase her with it.

¶13. After both sides presented their cases, the court conducted the jury instruction conference. The defense requested the following jury instruction:

> The Court instructs the jury that a person who uses defensive force shall be presumed to have reasonably feared imminent death or great bodily harm, or the commission of a felony upon him or another or upon his dwelling, if the person against whom the defensive force was used was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered a dwelling or the immediate premises thereof and the person who used defensive force knew or had reason to believe that the forcible entry or unlawful and forcible act was occurring or had occurred. This presumption shall not apply if the person against whom the defensive force was used has a right to be in or is a lawful resident owner of the dwelling or the immediate premises thereof or if the person who uses defensive force is engaged in unlawful activity or if the person is a law enforcement officer engaged in the performance of his official duties.[4]

The court refused the instruction, acknowledging, "The defense's version is that Mr. Rash was trying to get inside his house, but all of this happened outside the residence." Such an instruction, the court stated, "is usually applied to someone who was inside a dwelling when someone is trying to break into that dwelling."

¶14. The defense also requested the following instruction:

> A person who is not the initial aggressor and is not engaged in unlawful activity shall have no duty to retreat before using deadly force if the person is in a place where the person has a right to be, and no finder of fact shall be permitted to consider the person's failure to retreat as evidence that the

[4] This instruction is labeled D-4 in the record. For ease of reading, we refer to it here as the "castle doctrine instruction."

person's use of force was unnecessary, excessive or unreasonable.[5]

The court overruled an objection from the State, and this instruction was given to the jury. Ultimately, the jury found Rash guilty of aggravated domestic violence.

¶15. On April 9, 2025, Rash filed a motion for judgment notwithstanding the verdict or for a new trial. The court denied the motion at Rash's sentencing hearing on May 1, 2025. On May 7, 2025, the court sentenced Rash to serve twenty years in the custody of the Mississippi Department of Corrections (MDOC). Rash appealed the following day.

STANDARD OF REVIEW

¶16. "The standard of review for the admission or exclusion of evidence is abuse of discretion." *Collins v. State*, 404 So. 3d 1233, 1238 (¶21) (Miss. Ct. App. 2024) (citing *Carter v. State*, 337 So. 3d 236, 242 (¶14) (Miss. Ct. App. 2021)). This Court also reviews jury instruction rulings "under an abuse-of-discretion standard." *Id.* (citing *Roby v. State*, 183 So. 3d 857, 872 (¶63) (Miss. 2016)).

DISCUSSION

¶17. On appeal, Rash argues that (1) the trial court erred by allowing the State to "bolster" Rook's testimony and (2) he was entitled to a castle doctrine instruction.

I. Bolstering Testimony

¶18. Rash's counsel attempted to discredit Rook as a witness by confronting her on cross-examination and alleging the two statements she made to law enforcement were conflicting.

[**COUNSEL**]: Ms. Rook, you wrote two statements on this matter; is

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[5] This instruction is labeled D-5 in the record. We refer to it here as the "stand-your-ground instruction."

that right?

[**ROOK**]: Yes.

[**COUNSEL**]: Okay. And the first one is about half a page, it's about ten lines; is that right.

[**ROOK**]: Yes.

[**COUNSEL**]: And that was written on May 17, 2021; is that right?

[**ROOK**]: Yes.

[**COUNSEL**]: And the second one is about four pages, right?

[**ROOK**]: Yes.

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[**ROOK**]: That's about right.

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[**ROOK**]: Yes.

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[**ROOK**]: Yes.

[**COUNSEL**]: And then you added more detail here today than you did in either of these two, about him breaking the center console. You never tell us any of that in these statements, right?

[**ROOK**]: Yes, yes.

. . . .

[**COUNSEL**]: Let me ask you this, did you tell us about him breaking the center console in your statements?

[**ROOK**]: I wrote it down. I thought I wrote it down.

[**COUNSEL**]: [T]he second statement, which is about a week after the first one, agreed?

[**ROOK**]: Yes.

[**COUNSEL**]: From the 17th to the 23rd?

[**ROOK**]: Yes.

[**COUNSEL**]: At that time you knew that [Rash] had filed charges on you agreed?

[**ROOK**]: I think so.

[**COUNSEL**]: Okay. And so **in the second [statement] one you made sure that a whole lot more stuff was covered, than it was in the first one**. You agree with that?

[**ROOK**]: No. I was hurting so bad the first day I had to leave, that was the day after that I had got attacked. And I was

hurting so bad, he let me leave and come back.

[**COUNSEL**]: Okay. **But your first one you give it from beginning to end, right**? You didn't just stop in the middle of your statement. You agree with that, right?

[**ROOK**]: I had to write fast, my hand was hurting really bad, to the point where I was crying. And I couldn't take it any longer.

(Emphasis added). Subsequently, the State introduced into evidence during Rook's re-direct examination her second statement and played a video of her giving the first statement. Rash objected on the ground of bolstering. The Mississippi Supreme Court has held "that a witness cannot be bolstered and corroborated by proving that on other occasions he has made statements out of court conforming to his testimony given in court and that the admission of such testimony in a close case is always reversible error." *Jackson v. State*, 423 So. 2d 129, 131 (Miss. 1982) (citing *Harrison v. Gatewood*, 211 Miss. 121, 51 So. 2d 59, 61 (1951)).[6]

¶19. However, the constraint against bolstering applies to "a witness's **unimpeached or unquestioned credibility**[.]" *White v. State*, 976 So. 2d 415, 417 (¶11) (Miss. Ct. App. 2008) (emphasis added) (quoting *Manning v. State*, 929 So. 2d 885, 895 (¶29) (Miss. 2006)). The Mississippi Supreme Court previously indicated that "[e]vidence of prior consistent statements made by the witness is not evidence of the fact testified to by the witness, but **may be offered for the sole purpose of supporting the testimony of the witness whose veracity has been attacked**." *Stampley v. State*, 284 So. 2d 305, 307 (Miss. 1973) (emphasis added). "Evidence of prior consistent statements should be received by the court

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[6] *See also Byrd v. State*, 154 Miss. 742, 123 So. 867 (1929); *Jeffcoot v. State,* 108 Miss. 585, 67 So. 56 (1915); *Johnson v. State,* 80 Miss. 798, 32 So. 49 (1902); *Williams v. State,* 79 Miss. 555, 31 So. 197 (1902).

with great caution and **only for the purpose of rebuttal** so as to enable the jury to make a **correct appraisal of the credibility of the witness**." *Id.* (emphasis added); *see also Owens v. State*, 666 So. 2d 814, 816 (Miss. 1995) (stating the "admission of a prior consistent statement of a witness where the veracity of the witness has been attacked is proper but should be received by the court with great caution and only for the purpose of rebuttal so as to enable the jury to make a correct appraisal of the credibility of the witness" (quoting *White v. State*, 616 So. 2d 304, 308 (Miss. 1993))).

¶20. The Mississippi Rules of Evidence instruct that the introduction of a prior consistent statement is permitted if it

> (A) is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
> (B) is consistent with the declarant's testimony and is **offered to rebut an express or implied charge that the declarant recently fabricated it** or acted from a recent improper influence or motive in so testifying; or
> (C) identifies a person as someone the declarant perceived earlier.

MRE 801(d)(1) (emphasis added).

¶21. The State introduced Rook's second statement and played a video of her giving the first statement during Rook's re-direct examination. Right before, during cross-examination by Rash's attorney, the defense stated that Rook "added a whole lot more detail to the second [statement]" and implied that Rook was unreliable or that her story only changed after learning Rash was pressing charges against her. In essence, Rook was accused of fabricating her testimony after Rash filed charges against her, too. Only after this line of questioning did the State ask to introduce Rook's second statement and the video of her giving the first

statement. In other words, only "since the content of her statements to law enforcement ha[d] now been called into question" was the State planning to introduce the additional statement and video. Rook's second statement in this case was introduced to "rebut an express or implied charge" against Rook "for fabricating a previous statement[.]" *See Wells v. State*, 849 So. 2d 1231, 1235 (¶8) (Miss. 2023). Under such a scenario, the statement was "not hearsay" under Mississippi Rule of Evidence 801(d)(1)(B). *Id.*; *see also Dandass v. State*, 233 So. 3d 856, 864 (¶18) (Miss. Ct. App. 2017) (finding the testimony at issue "rebutted the defense's theory of fabrication" and thus, was not hearsay); *Conley v. State*, 790 So. 2d 773, 788 (¶¶46-48) (Miss. 2001) (finding defense counsel accused a witness of "recent fabrication" and introduction of the witness's prior consistent statement was permitted) (citing *Jackson v. State*, 766 So. 2d 795, 808 (Miss. Ct. App. 2000) (the defense "opened the door for the State to elicit a prior consistent statement from its witness to rebut the defense's implied charge of recent fabrication")).

¶22. Additionally, the advisory committee note to the rule maintains, "Rule 801(d)(1)(B) provides that prior consistent statements may be introduced for substantive evidence when offered to rebut a charge against the witness of recent fabrication." MRE 801 adv. comm. note. Therefore, this Court finds the State was not engaging in "bolstering" Rook's testimony; rather, the evidence introduced on re-direct was used "**to rebut an express or implied charge** that the declarant **recently fabricated it** or acted from a recent improper influence or motive in so testifying." MRE 801(d)(1)(B) (emphasis added). The court did not abuse its discretion by allowing the evidence to be admitted.

II. Castle Doctrine

¶23. The castle doctrine "curtail[s] the duty to retreat and create[s] a presumption that the defendant reasonably feared imminent death, great bodily harm, or the commission of a felony upon him from a person who had **unlawfully and forcibly** entered the immediate premises of a dwelling[.]" *Anderson v. State*, 46 So. 3d 835, 838 (¶12) (Miss. Ct. App. 2010) (emphasis added) (citing Miss. Code Ann. § 97-3-15 (Rev. 2006)). This Court has previously held that the castle doctrine's application requires an unlawful or forced entry into the defendant's home or a trespass on the defendant's property.

¶24. As an example, this Court addressed the castle doctrine in *Howell v. State*, 144 So. 3d 211 (Miss. Ct. App. 2014). Howell was at his own home when a vehicle of four people pulled into his driveway. *Id.* at 214 (¶3). One person in the vehicle, Jones, still owed money to Howell for a recent car sale and had "planned to pay the remaining balance" and "obtain a set of car keys from Howell." *Id.* Jones and Howell met in the garage and, at some point, "the conversation between [them] became heated and confrontational." *Id.* Howell shot Jones five times because "he thought Jones was about to pull out a pistol." *Id.* at 215 (¶7). Authorities found no weapon on Jones during the investigation. *Id.* at (¶8). At trial, law enforcement testified that Howell stated, "he had not wanted to shoot Jones but that Jones was robbing him and had robbed him four times in the past." *Id.* Howell was found guilty of manslaughter and appealed. *Id.* at (¶9).

¶25. On appeal, Howell argued that "the castle doctrine exonerate[d] his conduct." *Id.* at 216 (¶14). This Court emphasized the castle doctrine's requirement of "**an unlawful and**

forcible entry or trespass before the presumption arises that allows the use of deadly defensive force." *Id.* (citing Miss. Code Ann. § 97-3-15(3)). In its analysis, the Court recounted that Howell previously sold a vehicle to Jones and had invited him to the residence to pay the remaining balance. *Id.* at 218 (¶19). Witnesses also stated that Howell was the initial aggressor in the fight and "had a gun in his hand from the moment he joined Jones" in the garage. *Id.* This Court found that "**the evidence fail[ed] to show** that Jones unlawfully and forcibly entered Howell's home or that Jones attempted to assault or commit violence upon Howell." *Id.* at 217 (¶18) (emphasis added). Accordingly, "the castle doctrine was inapplicable to Jones's shooting." *Id.* at 218 (¶20).

¶26. This Court later cited *Howell* in *Lewis v. State*, 374 So. 3d 529 (Miss. Ct. App. 2023), wherein Lewis (admittedly) shot and killed a father and son. Lewis asserted that the killings were done in self-defense at his home so he was entitled to a castle doctrine instruction. We found just as we did in *Howell*: there was **no evidence** showing the father and son were **unlawfully or forcibly entering or trespassing** on Lewis's property, so a castle doctrine instruction was not appropriate.

¶27. Jury instructions "must be supported by the evidence." *Rodgers v. State*, 777 So. 2d 673, 676 (¶12) (Miss. Ct. App. 2000). "Even though an instruction may embody a correct statement of the law on a particular issue, **if it is not warranted by the evidence**, it should not be given." *Id.* Our Court reiterated in *Lewis* that "a defendant is entitled to have jury instructions given which present his theory of the case; however, this entitlement is limited in that **the court may refuse an instruction** which incorrectly states the law, is covered

fairly elsewhere in the instructions, or is **without foundation in the evidence**." *Lewis*, 374 So. 3d at 543 (¶41) (emphasis added) (quoting *Newell v. State*, 49 So. 3d 66, 74 (¶20) (Miss. 2010)).

¶28. In this case, evidence shows that Rash and Rook had dated for approximately two years when the incident occurred. Further, evidence shows that Rash was driving Rook's vehicle on the day of the incident. While their stories differ, the evidence appears to show that Rash and Rook got into some sort of disagreement while Rash was driving. Rook testified that she angered Rash by asking him to slow down, and he began beating on parts of the vehicle. Rash drove to his own home with Rook in the vehicle. Rook had been to Rash's house numerous times before and even stated that she had belongings inside the home. There is no evidence to support that Rook was there unlawfully or trespassing—she was there because Rash had transported her there.

¶29. Further, "[w]hen considering a challenge to a jury instruction on appeal, this Court does not review the jury instruction in isolation." *Hudson v. State*, 45 So. 3d 1193, 1195 (¶7) (Miss. Ct. App. 2009) (citing *Morgan v. State,* 995 So. 2d 812, 816 (¶12) (Miss. Ct. App. 2008)). "If the jury instructions given fairly announce the law and create no injustice, this Court will not find any reversible error." *Id.* Rash's theory of the case appears to be one of self-defense, entitling him to a jury instruction presenting as much. *See Lewis*, 374 So. 3d at 543 (¶41) (quoting *Newell*, 49 So. 3d at 74 (¶20)). Rash was granted a "stand-your-ground" jury instruction, stating,

> A person who is not the initial aggressor and is not engaged in unlawful activity shall have no duty to retreat before using deadly force if the person is

> in a place where the person has a right to be, and no finder of fact shall be permitted to consider the person's failure to retreat as evidence that the person's use of force was unnecessary, excessive or unreasonable.

The jury was instructed on self-defense. Rash's theory of the case was provided in the jury instructions. After review, this Court finds no abuse of discretion on the circuit court's decision to deny Rash's request for a castle doctrine instruction.

CONCLUSION

¶30. For the foregoing reasons, this Court finds the circuit court did not abuse its discretion by allowing the State to admit Rook's second statement. We also find that the court did not err by refusing the castle doctrine instruction. Therefore, this Court affirms on both issues.

¶31. Rash's conviction and sentence are **AFFIRMED.**

BARNES, C.J., CARLTON AND WILSON, P.JJ., WESTBROOKS, McDONALD, McCARTY, EMFINGER, WEDDLE AND LASSITTER ST. PÉ, JJ., CONCUR.