

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Angel Misael Ibarra, Appellant.

Appellate Case No. 2022-000774

Appeal From Lexington County
Debra R. McCaslin, Circuit Court Judge,

Unpublished Opinion No. 2024-UP-358
Submitted September 1, 2024 – Filed October 16, 2024

AFFIRMED

Deputy Chief Appellate Defender Wanda H. Carter, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Joshua Abraham Edwards, both of
Columbia, for Respondent.

PER CURIAM: Angel Misael Ibarra appeals his convictions for trafficking heroin, twenty-eight grams or more; unlawful carrying of a pistol; possession of methamphetamine; and possession of a weapon during a violent crime; and his aggregate sentence of twenty-five years' imprisonment. On appeal, Ibarra argues

the trial court erred in charging the jury on accomplice liability because the facts presented did not warrant the charge and doing so prejudiced him.

We hold the trial court did not abuse its discretion in charging the jury on the "hand of one, hand of all" theory because there was sufficient evidence presented for a jury to find that there was an agreement between Ibarra and a second individual to knowingly engage in conduct involving illegal drugs and weapons. *See State v. Mattison*, 388 S.C. 469, 479, 697 S.E.2d 578, 584 (2010) ("An appellate court will not reverse the trial judge's decision regarding a jury charge absent an abuse of discretion."); *State v. Peer*, 320 S.C. 546, 553, 466 S.E.2d 375, 380 (Ct. App. 1996) ("[T]he trial court has the duty to give requested instructions which correctly state the law applicable to the issues and which are supported by the evidence."); S.C. Code Ann. § 44-53-370(e)(3)(c) (2018) (explaining that under South Carolina law, a person "who provides financial assistance or otherwise aids, abets, attempts, or conspires to sell, manufacture, cultivate, deliver, purchase, or bring into this State, or who is knowingly in actual or constructive possession or who knowingly attempts to become in actual or constructive possession of" twenty-eight grams or more of heroin is guilty of "trafficking in illegal drugs"); S.C. Code Ann. § 16-23-490(A) (2015) ("If a person is in possession of a firearm or visibly displays what appears to be a firearm or visibly displays a knife during the commission of a violent crime and is convicted of committing . . . a violent crime . . . , he must be imprisoned five years"); S.C. Code Ann. § 16-23-20(9)(a) (2015 & Supp. 2023) ("It is unlawful for anyone to carry about the person any handgun, whether concealed or not, except as follows, unless otherwise specifically prohibited by law: . . . a person in a vehicle if the handgun is . . . secured in a closed glove compartment, closed console, closed trunk"); S.C. Code Ann. § 44-53-375(A) (2018) ("A person possessing less than one gram of methamphetamine . . . , is guilty of a misdemeanor"); *State v. Jennings*, 335 S.C. 82, 86-87, 515 S.E.2d 107, 109 (Ct. App. 1999) (explaining "one can be convicted of possession of a firearm based upon proof of either actual or constructive possession"); *State v. Halyard*, 274 S.C. 397, 400, 264 S.E.2d 841, 842 (1980) ("To prove constructive possession, the [S]tate must show that the defendant had dominion and control, or the right to exercise dominion and control, over the firearm."); *State v. Hudson*, 277 S.C. 200, 202, 284 S.E.2d 773, 774-75 (1981) (noting that in a drug case, "[t]o prove constructive possession the State must show a defendant had dominion and control, or the right to exercise dominion and control, over the [firearm]"); *State v. Langley*, 334 S.C. 643, 648, 515 S.E.2d 98, 101 (1999) (Under "hand of one, hand of all" theory, "one who joins with another to accomplish an illegal purpose is liable criminally for everything done by his confederate incidental to the execution of the common design and purpose.");

State v. Leonard, 292 S.C. 133, 137, 355 S.E.2d 270, 272 (1987) ("In order to be guilty as an aider or abettor, the participant must be chargeable with knowledge of the principal's criminal conduct. Mere presence at the scene is not sufficient to establish guilt as an aider or abettor."); *State v. Bultron*, 318 S.C. 323, 334-35, 457 S.E.2d 616, 622-23 (Ct. App. 1995) (concluding the trial court did not err in charging the jury "on the law governing aiding and abetting and accomplice liability" in a case involving the trafficking and transportation of cocaine because, based on the circumstantial evidence presented at trial, "a jury could reasonably conclude not only that the [a]ppellants were knowingly involved in the commission of a criminal act, but that there had been some planning and agreement among them pertaining to the act"); *State v. Reid*, 408 S.C. 461, 472-73, 758 S.E.2d 904, 910 (2014) (holding that the trial court properly denied Reid's motion for a directed verdict on his possession of a weapon during the commission of a violent crime charges and as he could be convicted under "the hand of one is the hand of all" jury instruction because there was sufficient evidence presented that Reid knew another party to the crime intended to use a firearm during the commission of a crime even though there was no evidence that Reid himself possessed or assisted in the possession of a weapon).

AFFIRMED.¹

KONDUROS, GEATHERS, and VINSON, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.