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SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEE COUNTY
Court of General Sessions
The Honorable R. Ferrell Cothran, Circuit Court Judge

Appellate Case No. 2025-000797

THE STATE, Respondent,

v.

SHONTRELL LAMONT BLYTHER, Appellant

INITIAL BRIEF OF RESPONDENT

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COUNTER-STATEMENT OF ISSUE ON APPEAL

The trial judge properly denied Appellant's directed verdict motion on the charge of first-degree burglary.

STATEMENT OF THE CASE

A Lee County Grand Jury indicted Appellant in February of 2025 for first-degree burglary. Appellant proceeded to a jury trial April 14-15, 2025, in front of the Honorable R. Ferrell Cothran. The jury found Appellant guilty as indicted. He was sentenced to thirty years' imprisonment.

STATEMENT OF FACTS

On the morning of October 8, 2024, officers were dispatched to the apartment of Hattie Blyther (Hattie). (Tr. 75, 84). Blyther, the mother of Shontrell Blyther (Appellant), testified that she saw Appellant sitting on her porch with two televisions and a crock pot and she "got nervous", so she contacted her daughter and asked her to call the police. (Tr. 64-72). Blyther stated that Appellant knocked on her window at approximately 6:30 a.m. and she looked outside and saw him sitting there. She testified that she looked again and he was gone and then another time and he was back. (Tr. 69).

Police arrived at Blyther's apartment at 8:12 a.m. to Appellant sitting on the porch with the items. (Tr. 84). Blyther told officers that the items did not belong to her or Appellant. (Tr. 66). One officer detained Appellant, and the other officer walked around the apartment complex and found parts of a window blind and broken glass laying on the outside of the window to another apartment. (Tr. 86). The apartment belonged to Sheryl Slater, who was in the hospital at the time. (Tr. 56-59). Slater's daughter Amanda told police that she had been by her mother's apartment to clean up and make sure everything was okay the day before. (Tr. 42-43). Amanda testified that she got a call at approximately 8:00 a.m. from the apartment complex stating that there had been a break-in at her mother's apartment. (Tr. 44). She testified that two televisions were missing and there were clothes thrown all over and glass in the trash can. (Tr. 45). Amanda identified the televisions and crock pot on Appellant's mother's porch as missing items from her mother's apartment. (Tr. 46-47). Appellant was then transported to the detention center and charged with first-degree burglary.

STANDARD OF REVIEW

In an appeal of a ruling involving a challenge to the sufficiency of the evidence in a criminal case, the appellate court must necessarily apply the same standard that should have been applied by the trial judge and view the evidence and all reasonable inferences in the light most favorable to the State. State v. Gracely, 399 S.C. 363, 371-372, 731 S.E.2d 880, 884 (2012). "In reviewing a refusal to grant a directed verdict, we must view the evidence in the light most favorable to the State and determine whether there is any direct or substantial circumstantial evidence that reasonably tends to prove the defendant's guilt or from which his guilt may be logically deduced." State v. Pinckney, 339 S.C. 346, 348, 529 S.E.2d 526, 527 (2000). On a motion for a directed verdict in a criminal case, the trial court is concerned with the existence or non-existence of evidence, not its weight. State v. Curtis, 356 S.C. 622, 633, 591 S.E.2d 600, 605 (2004); State v. Condrey, 349 S.C. 184, 190, 562 S.E.2d 320, 323 (Ct. App. 2002). If the State presents any evidence which reasonably tends to prove the defendant's guilt, or from which the defendant's guilt could be fairly and logically deduced, the case must go to a jury. Id. The appellate court may only reverse the trial judge's denial of a directed verdict motion if there is no evidence supporting the trial judge's ruling or if the ruling is based on an error of law. State v. Gaster, 349 S.C. 545, 555, 564 S.E.2d 87, 92 (2002); State v. Dantonio, 376 S.C. 594, 603, 658 S.E.2d 337, 342 (Ct. App. 2008).

ARGUMENT

I. The trial judge properly denied Appellant's directed verdict motion on the charge of first-degree burglary.

Appellant argues the trial court erred in denying Appellant's motions for directed verdict for first-degree burglary because the State failed to present any direct or substantial circumstantial evidence that Appellant committed the offense[1]. Appellant's argument lacks merit because there was circumstantial evidence showing Appellant committed the crime of first-degree burglary.

After the State rested, Appellant moved for a directed verdict arguing that the State's allegation that Appellant was in possession of the items taken from the apartment but provided no witness that said Appellant was "physically in possession, holding, touching, controlling the items." (Tr. 103-104). He further argued "so my argument would be that they're alleging constructive possession, but they failed to allege any sort of knowledge component of that." (Tr. 104). The court stated that the knowledge component deals with possession of stolen goods, but that was not the charge Appellant was facing. (Tr. 104). The court stated Appellant was charged with burglary in the first degree based on aggravating circumstances and "the problem is there's enough circumstances the fact that—that the break [in] is across the street that—and I understand that the time of the crime, the location, where he was and where the goods were, at least there's—there's circumstances that the jury could find that the circumstances are such that he would be guilty of burglary first. If—if there had been any time—time after he hadn't been there,

[1] The only grounds raised regarding the directed verdict motion was whether Appellant possessed the stolen goods. The State would like to note that there are inferences that the burglary happened before 6:30 a.m. According to the United States Naval Observatory, the sunrise was at 6:21 a.m. on October 8, 2024.

I would probably have granted your motion, but I think there's at least circumstances in this case that I'm going to deny the motion and let it go to the jury." (Tr. 105).

"On appeal from the denial of a directed verdict, this court views the evidence and all reasonable inferences in the light most favorable to the State." State v. Bennett, 415 S.C. 232, 235, 781 S.E.2d 352, 353 (2016) (citing State v. Butler, 407 S.C. 376, 381, 755 S.E.2d 457, 460 (2014)). On a motion for a directed verdict in a criminal case, the trial court is concerned with the existence or non-existence of evidence, not its weight. State v. Curtis, 356 S.C. 622, 633, 591 S.E.2d 600, 605 (2004). See also Rule 19(a), SCRCrimP. If the State presents any evidence which reasonably tends to prove the defendant's guilt, or from which the defendant's guilt could be fairly and logically deduced, the case must go to a jury. Pinckney, 339 S.C. at 349, 529 S.E.2d at 527. The task of the trial court is to simply determine "whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt." State v. Bennett, 415 S.C. 232, 237, 781 S.E.2d 352, 354 (2016).

"A person is guilty of burglary in the first-degree if the person enters a dwelling without consent and with intent to commit a crime in the dwelling." S.C. Code Ann. § 16-11-311. "The only requirement is that there be intent to commit any crime at the time of entry." Pinckney v. State, 368 S.C. 502, 505, 629 S.E.2d 367, 369 (2006). The person's actions after entering the dwelling can be evidence in determining whether the person had the intent to commit a crime at the time of entry. Id.

Intent is defined as the state of mind required for the commission of a crime. State v. Shands, 424 S.C. 106, 131, 817 S.E.2d 524, 537 (2018). "Absent an admission by the defendant, proof of intent necessarily rests on the inference from conduct." State v. Haney, 257 S.C. 89, 91, 184 S.E.2d 344, 345 (1971). In Haney, the defendants broke into a school. The court held

evidence of intent to commit a crime was sufficient because the defendants broke into a room where movie projectors and other visual aids were kept. Id. The defendants tried to flee when police arrived. Id. "In the absence of inconsistent circumstances, proof of unlawful entry into a building which contains personal property that could be the subject or larceny gives rise to an inference that will sustain a conviction of burglary. The inference is grounded in human experience which justifies the assumption that the unlawful entry was not purposeless, and, in the absence of other proof, indicates theft as the most likely purpose." Id. at 92, 184 S.E.2d at 345. (citing People v. Rossi, 112 Ill.App.2d 208, 211-212, 250 N.E.2d 528, 530 (1969)). A defendant's actions after entering the dwelling may be used to determine his intent to commit a crime in the dwelling. State v. Pinckney, 339 S.C. 346, 349, 529 S.E.2d 526, 527 (2000). In Pinckney, the Court of Appeals held that the only evidence in the record of intent was that the respondent entered the house to escape from the people that he believed were after him, but the South Carolina Supreme Court held that the defendant's actions after he entered the house by barricading himself in a bathroom and threatening to kill himself and others was enough for intent to commit a crime. "A motion for directed verdict of acquittal is properly refused where the determination of guilt is dependent upon the credibility of a witness, as this is a question that goes to the weight of the evidence and is clearly a determination by a jury." State v. Pitts, 256 S.C. 420, 427, 182 S.E.2d 738, 742 (1971).

There is an inference or presumption of fact that arises when an individual is found in possession of recently stolen property that he is the thief. State v. Dewitt, 254 S.C. 527, 176 S.E.2d 143 (1970). In order to sustain an inference of guilt from the possession of stolen property, it must be shown that it was recently stolen. Id. See also State v. Cooper, 279 S.C. 301, 306 S.E.2d 598 (1983) (holding that proof the accused was in possession of stolen property near

the time of loss is circumstantial evidence supporting the inference the accused is guilty of larceny).

In this case, there was evidence that showed that Appellant did not have permission to be on the property or consent to come inside the dwelling. Appellant did not live at Hattie's house, yet Appellant was on her porch in close proximity to Slater's apartment. Slater's apartment did not have a broken window the previous day, however that morning there was a broken window in her apartment. Appellant's mother testified that she was awakened by a knock at her window at approximately 6:30 a.m. and saw Appellant sitting on her porch. (Tr. 69). She testified that she looked out again and he wasn't there but returned shortly after and was sitting on the porch with two televisions and a crock pot. (Tr. 69). When officers arrived to Appellant's mother's house, he was sitting on the porch with the items. (Tr. 75). Blyther told officers that the items with Appellant on her porch did not belong to her. (Tr. 66-67). Amanda identified the items on the porch with Appellant as items taken from her mother's apartment. (Tr. 89-90).

Appellant was in an area where he did not live and was sitting on the porch with stolen items from the apartment that had a newly broken window. It could be inferred that Appellant was the one that broke the window, entered the apartment, and stole the items. There was enough evidence in the record for the trial judge to send it to the jury[2] and therefore the trial judge properly denied Appellant's motion for a directed verdict.

[2] Further, the jury deliberated for only eighteen minutes. (Tr. 130).

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgments and convictions of the lower court should be affirmed.

Respectfully submitted,

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