

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

THE STATE, RESPONDANT  
V.

THOMAS L. BLOODSAW, APPELLANT

APPELLATE CASE # 2013-000643

THE HONORABLE R. KNOX McMAHON

RICHLAND COUNTY

TRIAL CASE # 5-2012-GS-40-01158, 157

PRO-SE ANDERS BRIEF

BY: Thomas Bloodsaw &  
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P.O. Box 205  
RIDGEVILLE S.C. 2994

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MAY 14 2014

SC Court of Appeals

THE LOWER COURTS SHOULD NOT REFUSE TO GRANT MOTION FOR A DIRECT VERDICT WHERE EVIDENCE MERELY RAISES A SUSPICION OF GUILT.

APPELLANT ALSO RELIES ON STATE V. MULBROW 559 S.E.2d, 847 (SC 2002) IN BURGLARY CASE APPEALS COURT CAN GRANT A DIRECT VERDICT TO THE GREATER OFFENSE AND ENTER JUDGEMENT ON LESSER INCLUDED AND REMAND FOR RESENTENCING

### CONCLUSION

BASED UPON FACT "NO EVIDENCE" WAS PRESENTED TO SHOW THAT APPELLANT "ARMED HIMSELF DURING THE OFFENSE" AS REQUIRED BY 16-11-311(A) AND STATE OFFERED "NO EVIDENCE" TO DISPUTE APPELLANT TESTIMONY THAT MOSES HAD WENT IN PREVIOUSLY WITHOUT APPELLANT'S KNOWLEDGE OF HIM STEALING GUNS AND APPELLANT MERELY TO SEE WHAT WAS LEFT TO STEAL REQUIRED A DIRECT VERDICT AND PUR TO STATE V MULBROW THIS COURT SHOULD ENTER A JUDGEMENT OF ADULTAL ON BURGLARY FIRST PUR. TO STATE V. MITCHELL AND ENTER A VERDICT FOR BURGLARY SECOND. 16-11-312(A)

### RELIEF

BURGLARY FIRST DEGREE CONVICTION BE VACATED AND ENTRY OF JUDGE ON BURGLARY SECOND DEGREE

RESPECTFULLY, THOMAS BLOODSAW

### PROOF OF SERVICE

A TRUE COPY HAS BEEN SENT TO SALLEY ELLIOT P.O. BOX 11549  
COLUMBIA S.C. 29211 THIS 9<sup>TH</sup> DAY OF MAY 2014 BY MAIL

UNDER OATH

*Thomas Bloodsaw*

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### STATEMENT OF ISSUE ON APPEAL

TRIAL COURT ERRED IN FAILING TO ENTER A DIRECTED VERDICT ON FIRST DEGREE BURGLARY AS THERE WAS NO PROBATIVE EVIDENCE IN RECORD TO SHOW APPELLANT ARMED HIMSELF DURING THE BURGLAR OR IN FLIGHT THEREFROM, ...

### FACTS

WITHOUT RECOUNTING ALL OF DETAILS OF THE OFFENSE THAT IS FORTH IN ANDERS BRIEF AND INCORPORATED HEREIN THE APPELLANT IS CHARGED WITH FIRST DEGREE BURGLARY FOR ILLEGAL ENTRY OF THE DWELLING OF LEROY KELLY WITH THE INTENT TO COMMIT A THEREIN, AND WHEN, IN EFFECTIVE ENTRY OR WHILE IN THE DWELLING OR IMMEDIATE FLIGHT THE DEFENDANT WAS ARMED WITH A DEADLY WEAPON (R.O.A 465)

THERE WAS NO DISPUTE THAT APPELLANT DID NOT ENTER DWELLING WITHOUT CONSENT WITH THE INTENT TO COMMIT A CRIME THEREIN WHICH ARE ELEMENTS OF 16-11-0311 (A) SECOND DEGREE BURGLARY. THE FACT APPELLANT ADMITTED TO THIS ON THE STAND DURING HIS TEST @ R.O.A 364 L. 11-368 L. 5 BUT HIS DEFENSE, AND NO EVIDENCE W

BY THE STATE TO CONTRADICT THIS, THAT "HIS HOMEBY MOSES HAD BROKEN INTO THE HOUSE EARLIER AND SUBSEQUENTLY INFORMED APPELLANT THAT HE SHOULD GO CHECK IT OUT CAUSE THERE WERE STILL SOME VALUABLE ITEMS LEFT THAT COULD BE STOLEN FOR PROFIT (@ R.O.A 362 L.11-363 L.22). AND APPELLANT WENT TO THE HOUSE "AFTER MOSES HAD ALREADY PREVIOUSLY BROKE INTO THE HOUSE AND STOLE THE GUNS" AND APPELLATE STOLE A COMPUTER AND OTHER ITEMS BUT NO GUNS WERE STOLEN BY HIM, AS THEY HAD ALREDY BEEN STOLEN BY MOSES (@ R.O.A 371 L.25)

### ARGUMENT

THAT MOSES PRIOR TO CALLING APPELLANT AND WITHOUT ANY KNOWLEDGE OF MOSES ACTIONS, MOSES BROKE INTO THIS HOUSE AND STOLE SEVERAL GUNS AND OTHER ITEMS.

AFTER MOSES HAD TAKEN THE GUNS AND OTHER ITEMS HE CALLED APPELLATE WHO THEN WENT AFTER THE FACT, AFTER GUNS HAD BEEN TAKEN WITHOUT HIS KNOWLEDGE OR PARTICIPATION, AND BASICALLY WENT TO SEE WHAT WAS LEFT TO STEAL. IN OTHER WORDS SOME COULD SAY HE WENT TO GET THE LEFTOVERS. NO EVIDENCE WAS SUBMITTED BY THE STATE TO SHOW APPELLATE "ARMED HIMSELF DURING THE CRIME" NONE, AND THE STATE COULD NOT DISPUTE FACT THAT BURGLARY OCCURED AS APPELLATE TESTIFIED TO BUT ASKED JURY TO "SPECULATE" THAT APPELLANT TOOK THE GUNS AND MADE UP MOSES. NO PROOF WAS PROVIDED TO SUPPORT THIS SPECULATION. TRIAL COUNSAL MADE MOTION FOR A DIRECTED VERDICT PG. 350 L.25-351 L.7 AND RENEWED MOTION 389 L.10

### LAW

THIS COURT IS WELL VERSED IN DIRECT VERDICT CASE LAW BUT THE APPELLATE WOULD POINT OUT STATE V. MITCHELL 335, D.E. 27 26, 127, 201 10

To: CLERK O + CUS /  
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