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SC Court of Appeals

STATE OF SOUTH CAROLINA)
 COUNTY OF SPARTANBURG)
)
 Willie Jackson,)
)
 Appellant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent)
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IN THE COURT OF COMMON PLEAS

ORDER AFFIRMING CONVICTIONS

C.A. No. 2014-CP-42-4713

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The Appellant, Willie Jackson, was convicted of Public Disorderly Conduct, warrant 2013A4210203538, and Trespassing, warrant 2013A4210203537, in a jury trial on October 28, 2014 at the Spartanburg County Magistrate Court. The Appellant appealed both of those convictions to this Court. This Court conducted a hearing on Tuesday, January 20, 2015. This Court heard this appeal simultaneously with the appeal of Annie Jackson v. State of South Carolina because both appeals involved the same facts and very similar issues.

The Appellant was represented by Assistant Public Defender Matthew Shealy. The Respondent was represented by Assistant Solicitor Daniel Cude.

FACTS/PROCEDURAL BACKGROUND

Officer Bryan Shaw of the Spartanburg Police Department was dispatched to a business called Shoe Show at 550 South Church Street in Spartanburg. The store clerk, Ms. Janice Littlejohn, reported to police that the Appellant and his daughter, Annie Jackson, were trying to compel her to refund Ms. Jackson's money for a previous purchase. Ms. Littlejohn said she could not refund the money.

Officer Shaw testified that he told Ms. Jackson repeatedly to leave the store, but that she refused. Ms. Littlejohn testified that neither the Appellant nor Ms. Jackson would leave the store. Officer Shaw testified that when he tried to arrest Ms. Jackson, that the Appellant assaulted him and that he believed the Appellant was trying to choke him. Officer Shaw said he struck the Appellant, and the Appellant then picked up a theft deterrent stand and came at the officer. Officer Shaw said that when he drew his firearm, the Appellant stopped trying to assault him. Police ultimately arrested both the Appellant and Ms. Jackson.

Ms. Jackson testified that she wanted a refund for shoes she purchased from Shoe Show. Ms. Jackson testified that neither she nor the Appellant acted in a disorderly manner.

ANALYSIS

The Appellant's Explanation of Appeal states that he "appeals from the court's denial of a Directed Verdict/Motion of acquittal (sic) based on the State's failure to establish the authority and jurisdiction of the arresting Spartanburg Public Safety Officer and further the absence of evidence the defendant was placed on trespass notice."

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The Appellant's attorney argued that the Magistrate committed errors of law by denying the Appellant's motions for Directed Verdict during the lower court trial.

First, the Appellant argued that the Respondent failed to establish jurisdiction as to either the Public Disorderly Conduct charge or the Trespassing charge. The Appellant stated there was no testimony during the lower court trial expressly stating that the events testified about took place in the city limits of Spartanburg.

But the Appellant and Respondent both agree that there was testimony during the trial that the events underlying the case took place in "Spartanburg." The witness Janice Littlejohn testified at trial that she worked at Shoe Show, located at 550 South Church Street in Spartanburg. In the Magistrate's return, it notes that Officer Bryan Shaw testified he was employed with the "Spartanburg City Police."

The Respondent argued that in proving jurisdiction it is not necessary that the county in which the crime was committed be proved affirmatively if there is sufficient evidence from which it can be inferred, citing *State v. Williams*, 321 S.C. 327, 333, 468 S.E. 2d 626, 630 (1996). The Respondent's position is that similarly, the city in which a crime was committed need not be proven affirmatively but can be inferred if sufficient evidence is presented.

Next, the Appellant argued that the trial court should have granted its motion for directed verdict as to the trespassing charge. The Appellant argued that the Respondent did not present evidence the Respondent was placed on trespass notice.

There does not appear to be evidence in the record that the Appellant was expressly told that he was trespassed from the store. But the Respondent argued that the record does contain some evidence from which a jury could find that the Appellant was ordered or requested to leave and failed to do so.

The record shows that the Appellant's daughter, Annie Jackson, was told to leave the store and failed to do so. There was testimony that the Appellant was acting along with his daughter, Annie Jackson, in attempting to compel the store clerk to refund his daughter's money, which led to police being summoned. There was testimony that the Appellant was present with his daughter while Ms. Jackson was told to leave the store. Officer Shaw testified that while he was trying to arrest Ms. Jackson, the Appellant assaulted him.

Ms. Littlejohn, the clerk, testified at the trial that the officer asked the Appellant's daughter to leave multiple times. Ms. Littlejohn testified that neither the Appellant nor his daughter would leave the store. Ms. Littlejohn's testimony implies that the Appellant was also told to leave the store and failed to do so.

In reviewing a motion for directed verdict, the trial judge is concerned with the existence of the evidence, not its weight. *State v. Walker*, 349 S.C. 49, 53, 562 S.E.2d 313, 315 (2002). On appeal from the denial of a directed verdict, an appellate court must review the motion in the light most favorable to the State. *State v. Bailey*, 368 S.C. 39, 44, 626 S.E.2d 898, 901 (2006). If there is any direct evidence or substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury. *State v. Lollis*, 343 S.C. 580, 584, 541 S.E. 2d 254, 256 (2001).

The Appellant's first motion for directed verdict related to whether the Respondent proved jurisdiction. The Appellant's second motion for directed verdict concerned whether the Appellant was placed on "trespass notice." This Court finds there was sufficient evidence to support the Magistrate's decision to deny the Appellant's motions for directed verdict and submit the case to the jury.

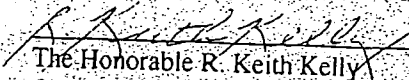
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The Court finds that the Magistrate did not commit errors of law in denying the Appellant's motions for directed verdict.

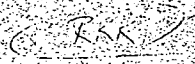
The verdict of the trial court is AFFIRMED.

IT IS SO ORDERED.


The Honorable R. Keith Kelly
Chief Administrative Judge, Common Pleas

19 February 2015
Spartanburg, South Carolina

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M. J. R. A. M. L. E. Y



This judgment was entered on 2 of ~~January~~ ^{February} 2015, and a copy mailed first class or placed in the appropriate attorney's box on 2 of ~~January~~ ^{February} 2015, to attorneys of record or to parties (when appearing pro se) as follows:

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M Hope Blackley

M Hope Blackley - Clerk of Court

Court Reporter

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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M. HOPE BLACKLEY