

• Jenny ABBOTT Kitchings,

I have NOTHING more to file with this COURT a PRO SE BRIEF → addressing any issues I believe the COURT should consider in this appeal OTHER THAN what has been already filed, The TRIAL JUDGE ERRED by failing to direct a VERDICT of acquittal on the charge of CDVTAN, where the KNIFE that Appellant allegedly used was NOT INTRODUCED → into evidence and there was NO medical evidence presented that Page's injuries were serious. I appealed my conviction and sentence, that there is NOT any evidence in the record as to the actual introduction of a knife or a photograph of it, because no knife was entered into → evidence, Appellant should have been acquitted of Criminal Domestic Violence, high and aggravated. The TRIAL JUDGE ERRED by failing to direct a verdict of acquittal as to the charge of CDVTAN. A criminal defendant is entitled to a directed verdict when the state fails to present evidence of the offense charged. STATE V McCOMBS 368 S.C. 489, 493, 629 S.E.2d 361, 362-63 2006; STATE V CHERRY, 361 S.C. 588, 593, 606 S.E.2d 475, 478 2004. STATE V McHONEY, 344 S.C. 85, 97, 544 S.E.2d 30, 36 2001. Without the knife that officers recovered and → evidence describing Page's injuries as serious, the other evidence presented at trial raises a suspicion that appellant committed criminal domestic violence, high and aggravated, therefore, the trial judge → should have granted a directed verdict of acquittal on that charge. Appellant JAMES PATRICK SMITH #292985 respectfully requests this → court to grant a directed verdict of acquittal as to CDVTAN. Respectedly → submitted,

**RECEIVED**

MAR 17 2015

Sincerely James Patrick Smith 3-12-2015

**SC Court of Appeals**

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