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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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JUL 13 2015

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions  
Edward M. Miller, Circuit Court Judge

Appellate Case No. 2014-001336

State of South Carolina, ..... Respondent,  
v.  
Elijah Fernandez Wilson, ..... Appellant.

APPELLANT'S REPLY

James H. Price, III  
JAMES H. PRICE, III, P.A.  
644 East Washington Street  
Greenville, South Carolina 29601  
(864) 271-3535

J. Falkner Wilkes (SC Bar #12893)  
114 Whitsett Street  
Greenville, SC 29601  
(864) 282-1292

*Counsel for Appellant*

**TABLE OF CONTENTS**

Table of Authorities ..... ii

Statement of Issues in Reply ..... iii

Statement of the Facts (Included in Argument)

**ARGUMENT**

**I. THE APPELLANT'S ISSUE AS TO THE COURT'S REFUSAL TO CHARGE IS ADEQUATELY PRESERVED FOR REVIEW. .... 1**

Conclusion ..... 2

**TABLE OF AUTHORITIES**

*Cases*

State v. Brannon, 388 S.C. 498, 697 S.E.2d 593 (2010) ..... 1

State v. Nelson, 331 S.C. 1, 501 S.E.2d 716, (1998) ..... 1

## STATEMENT OF THE ISSUES

- 1) Is Appellant's Issue I sufficiently preserved for the record?

## ARGUMENT

### I. THE APPELLANT'S JURY CHARGE ISSUE IS SUFFICIENTLY PRESERVED FOR REVIEW.

The defense specifically requested the court charge the jury that spontaneous acts do not meet the premeditated requirement of assault and battery by mob. (T. p. 651-652; Motion for Charging Instructions). The defense argued that the charge proposed by the court was confusing and requested a charge that intent and purpose cannot be formed spontaneously. The State objected to the defense's request. (T. p. 651-652). The issue was discussed fully and the judge clearly ruled that he would not give the charge as it was requested by the defense. After the charge was given the trial judge inquired as to any exception or objection to the charge. (T. p. 713, l. 10). The Appellant raised an issue as to whether the court omitted the request for responsibility. (T.p. 713, l. 13-15). The court responded: "I believe it was all contained in the charge I gave. I didn't give the specific one you put up. But it's contained in the charge. I don't think I misstated or omitted anything in the law as you submitted. So your objection is noted for the record." (t.p. 713, l. 16-20). The court's response related directly to the defense's request to charge and therefore, was adequate to preserve the issue of appeal.

Here the issue was sufficiently raised and ruled on by the trial judge. "Error preservation rules do not require a party to use the exact name of a legal doctrine in order to preserve an issue for appellate review." State v. Brannon, 388 S.C. 498, 502, 697 S.E.2d 593, 595 (2010). *See also* State v. Nelson, 331 S.C. 1, 6 n. 6, 501 S.E.2d 716, 718 n. 6 (1998) (stating "the ultimate goal behind preservation of error rules is to insure that an issue raised on appeal has first been

addressed to and ruled on by the trial court"). The issue is sufficiently preserved for this Court's review.

### CONCLUSION

Based on the foregoing the conviction of the Appellant should be reversed.

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)  
214 Whitsett Street  
Greenville, SC 29601

James H. Price, III  
JAMES H. PRICE, III, P.A.  
644 East Washington Street  
Greenville, South Carolina 29601  
Counsel for Appellant

July 9, 2015.

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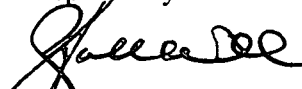
State of South Carolina, ..... Respondent,  
v.  
Elijah Fernandez Wilson, ..... Appellant.

CERTIFICATE

I certify that on July 9,, 2015, I served the Appellant's Reply by placing a copy of same in the United States Mail, first class postage prepaid, addressed to counsel for the Respondent, and others as indicated below:

Jennifer Ellis Roberts, Asst. Atty. Gen.  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

Respectfully submitted,



J. Falkner Wilkes (SC Bar #12893)  
14 Whitsett Street  
Greenville, SC 29601  
(864) 282-1292  
Counsel for Appellant

July 9, 2015.

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J. FALKNER WILKES

Attorney at Law

114 Whitsett Street  
Greenville, South Carolina 29601

Telephone: (864) 282-1292  
Facsimile: (864) 271-6035

July 9, 2014

Jenny Abbott Kitchings  
Clerk of Court  
1015 Sumter Street  
Columbia, South Carolina 29201

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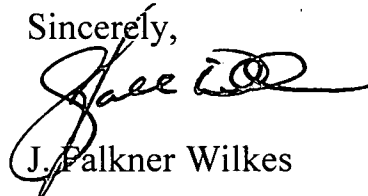
SC Court of Appeals

In Re: State, Respondent, v. Elijah Fernandez Wilson, Appellant.  
Case No. 2013-GS-23-10613

Dear Ms. Kitchings,

Enclosed please find a the Appellant's Reply and certificate of service.

Sincerely,



J. Falkner Wilkes

c.  
Jennifer Ellis Roberts, Asst. Atty. Gen.  
Office of the Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211