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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 7, 2016

VIA HAND-DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, S. C. 29211

Re: State v. Michael Anderson Manigan
Appellate Case No. 2013-000253

Dear Ms. Kitchings:

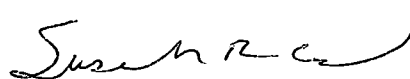
The above-referenced case is currently pending before the court. Pursuant to Rule 208(b)(7), SCACR, I would refer to the following recent opinion of the South Carolina Supreme Court as additional authority:

[T]he lens through which a court considers circumstantial evidence when ruling on a directed verdict motion is distinct from the analysis performed by the jury. Within the jury's inquiry, "it is necessary that every circumstance relied upon by the state be proven beyond a reasonable doubt; and that all of the circumstances so proven be consistent with each other and, taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis." *Id.* at 328, 89 S.E.2d at 926. However, when ruling on a directed verdict motion, the trial court views the evidence in the light most favorable to the State and must submit the case to the jury if there is "any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced." *Id.* at 329, 89 S.E.2d at 926. Therefore, although the jury must consider alternative hypotheses, the court must concern itself solely with the existence or non-existence of evidence from which a jury could reasonably infer guilt. This objective test is founded upon reasonableness. Accordingly, in ruling on a directed

verdict motion where the State relies on circumstantial evidence, the court must determine whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt.

State v. Bennett, Op. No. 27600, 2016 WL 67405, at *2 (S.C. Jan. 6, 2016) (citing *State v. Littlejohn*, 228 S.C. 324, 89 S.E.2d 924 (1955)).

Sincerely,

A handwritten signature in cursive script, appearing to read "Susannah Cole".

Susannah Cole
Assistant Attorney General
S. C. Bar No. 68383

SRC/

cc: Daniel S. McQuenney, Jr., Esquire
Victim Services



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