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SC SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO YORK COUNTY
Court of Common Pleas

The Honorable J. Ernest Kinard, Jr., Circuit Court Judge

Appellate Case No.: 2014-002100

Deitrick Williams..... Petitioner,

v.

State of South Carolina..... Respondent.

BRIEF OF RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial judge correctly denied Petitioner's motion for directed verdict as the charge of indecent exposure by Petitioner at the Moss Justice Detention Center certainly satisfies S.C. Code Ann. § 16-15-130.

STATEMENT OF THE CASE

Respondent adopts the Statement as presented by Petitioner.

ARGUMENT

The trial judge correctly denied Petitioner's motion for directed verdict as the charge of indecent exposure by Petitioner at the Moss Justice Detention Center certainly satisfies S.C. Code Ann. § 16-15-130.

In criminal cases, appellate courts only review errors of law. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). On appeal from the denial of a directed verdict, the appellate court must view the evidence and all reasonable inferences in the light most favorable to the State. State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). When ruling on a motion for directed verdict, the trial court should only consider the existence or non-existence of evidence and not its weight. State v. Cherry, 361 S.C. 588, 593-594, 606 S.E.2d 475, 478 (2004). Further, if the State presents any evidence which reasonably tends to prove defendant's guilt, or from which defendant's guilt could be fairly and logically deduced, the trial court must deny a directed verdict motion and submit the case to the jury. State v. Cherry, 361 S.C. 588, 593-594, 606 S.E.2d 475, 478 (2004). The appellate court must affirm the trial court "[i]f there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused[.]" State v. Cherry, 361 S.C. 588, 593-594, 606 S.E.2d 475, 478 (2004).

Petitioner challenges the trial court's denial of his motion for directed verdict on the charge of indecent exposure. He contends he was entitled to a directed verdict because the legislature has given no definition to the term "on property of others."

South Carolina Code Ann. § 16-15-130 provides that "[i]t is unlawful for a person to willfully, maliciously, and indecently expose his person in a public place, on property of others, or to the view of any person on a street or highway."

In this case, when viewed in the light most favorable to the State, there was ample evidence from which the jury could find Petitioner indecently exposed himself to Victim on the

“property of others.” Ms. Hilton testified she was working at the Moss Justice Detention Center located in York, SC. (App. p. 14 line 20-p. 15 line 1). She also testified Petitioner was on suicide watch and was wearing a blue, Velcro smock. (App. p. 18 lines 12-21). She stated Petitioner called for her attention and upon seeing Petitioner, Petitioner had the smock open in the front and was masturbating. (App. p. 18 lines 3-4; p. 19 lines 7-19). Ms. Hilton could see Petitioner’s penis. (App. p. 19 lines 20-21). At the conclusion of the State’s case, Petitioner’s trial counsel moved for a directed verdict as the detention center was a secured facility that was not held open to the public. (App. p. 42 lines 15-23). The trial court agreed, but held Petitioner “clearly willfully, maliciously, and indecently exposed himself **on property of others.**” (App. p. 52 lines 5-6) (emphasis added).

The trial judge properly denied the directed verdict as the Moss Justice Detention Center is clearly the “property of others.” Petitioner has no vested interest in the property of the detention center as to claim it as his own residence. This building is technically owned by the citizens of York County, thereby making it “property of others” as to satisfy the definition of §16-15-130. See State v. Rouse, 262 S.C. 581, 206 S.E.2d 873 (1974) (stating Petitioner’s indecent sexual demonstration with exposed private parts to a co-worker while working at a business establishment was sufficient for indecent exposure). Allowing a windfall for Petitioner simply because the legislature has not given a direct definition to “property of others” would lead to absurd results. See State v. Jacobs, 393 S.C. 584, 587, 713 S.E.2d 621, 623 (2011) (“Although it is a well-settled principle of statutory construction that penal statutes should be strictly construed against the state and in favor of the defendant, courts must nevertheless interpret a penal statute that is clear and unambiguous according to its literal meaning”). Given that the meaning of

“property of others” is clear and unambiguous as Petitioner has no private right to the detention center, this Court must interpret S.C. Code §16-15-130 according to its literal meaning.

Viewing the evidence in a light most favorable to the State, there was substantial evidence supporting the denial of Petitioner’s directed verdict motion. The trial court correctly denied Petitioner’s motions and its ruling should be affirmed.

CONCLUSION

For all the foregoing reasons stated above, Respondent respectfully requests the judgment of the lower court be affirmed.

Respectfully submitted,

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January 14, 2016.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to York County

The Honorable J. Ernest Kinard, Jr., Circuit Court Judge

Appellate Case No: 2014-002100

DETRICK WILLIAMS,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

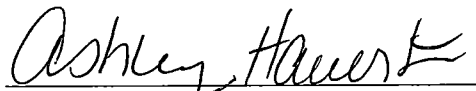
RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Brief of Respondent** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

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This 14th day of January, 2016.



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