STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of General Sessions

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2016-002079

THE STATE,

Respondent,

v.

HERBIE VAL SINGLETON, JR.,

Appellant.

FINAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

V. HENRY GUNTER, JR.
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

101 Meeting Street, Suite 400
Charleston, SC 29401
(843) 958-1900

ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

The trial judge properly denied Appellant's motion for a directed verdict because the evidence and testimony presented during Appellant's trial, when viewed in a light most favorable to the State, could induce a reasonable juror to find Appellant's egregious lie to law enforcement, which led to an innocent man being incarcerated for two months while the actual culprit temporarily escaped justice, constituted an act which prevented, obstructed, impeded, or hindered the administration of justice.

STATEMENT OF THE CASE

Appellant was indicted during the January 2016 term of the Grand Jury for Charleston County for obstruction of justice (2016-GS-10-00592). Appellant was earlier indicted for attempted murder (2015-GS-10-02437). Appellant proceeded to a jury trial before the Honorable Benjamin H. Culbertson from September 19-23, 2016, in Charleston, South Carolina. At the conclusion of trial, the jury found Appellant guilty of obstruction of justice and not guilty of attempted murder. Prior to sentencing, Appellant pled guilty to unrelated charges of carrying a weapon on school property and threatening the life of a public official. He was sentenced by Judge Culbertson under the Youthful Offender Act to a sentence of an indefinite period of incarceration not to exceed six years for obstruction of justice. Judge Culbertson also sentenced Appellant under the Youthful Offender Act to a sentence of an indefinite period of incarceration not to exceed five years for carrying a weapon on school property and threatening the life of a public official, with all sentences running concurrently. Appellant timely filed a notice of appeal and subsequently submitted a brief. This Brief of Respondent follows.

STATEMENT OF FACTS

Background Facts

At approximately 4:51 p.m. on December 18, 2014, Officer Matthew Shier of the City of Charleston Police Department responded to a shooting in the Ardmore subdivision. R. pp. 87-88. Officer Shier subsequently arrived at a residence where the victim's mother told him to come inside. R. p. 90. Once inside the home, Officer Shier observed Dontaviha Patterson, the victim in this case, lying in a hallway. R. p. 90. Patterson had a white towel draped over his backside and informed Officer Shier he had been shot.[1] R. p. 92. Patterson gave Officer Shier a description of the suspect vehicle, which Patterson recognized as belonging to Appellant. R. p. 93.

Jamie Patterson lived with her son, Dontaviha, and her three other children. R. p. 116. Ms. Patterson stated that on the day of the shooting, Dontaviha was sitting under the home's carport with his girlfriend. R. p. 116. Ms. Patterson spoke to Dontaviha before moving to her truck to listen to music. R. p. 116. While listening to music in her truck, Ms. Patterson heard gunshots and saw a car backing away. R. p. 117. Ms. Patterson then heard Dontaviha yell her name and state he had been shot. R. p. 117. Ms. Patterson described the car she saw backing away from her home as a "gray car with a black bumper." R. p. 117. Ms. Patterson recognized the vehicle, because it had been parked at her home before. R. p. 117. Ms. Patterson testified the car belonged to Appellant. R. p. 117. Ms. Patterson stated she believed Appellant and her son were friends because they spent a substantial amount of time together. R. p. 125. Ms. Patterson later emphasized she knew the car belonged to Appellant because she saw it at her house many times. R. p. 139.

[1] Patterson sustained a projectile injury with two wounds to the right buttock and one wound to the left buttock. R. p. 191.

Dontaviha Patterson testified that in 2014, he was living with his mother and siblings in Ardmore. R. pp. 223-24. Dontaviha testified Ardmore is known as "the Moe." R. p. 224. In October of 2014, an individual named Bubba gave Dontaviha a laptop, Xbox, and a Playstation that were all stolen in a prior burglary Dontaviha did not take part in. R. pp. 225-26. Dontaviha stated he met Appellant when they were in the ninth grade at Garrett High School. R. p. 226. Appellant also lived in Ardmore and often drove around the neighborhood with Dontaviha. R. pp. 226-27. Dontaviha testified Appellant introduced him to Lamont Gregg in September of 2014. R. p. 228.

Dontaviha and Gregg later decided to pawn the laptop he received from Bubba. R. p. 230. Dontaviha testified Appellant told him he needed some money so he told him they could pawn the laptop and split the money. R. p. 251. Ms. Patterson drove Dontaviha and Gregg to a pawn shop and they pawned the laptop for one hundred dollars. R. pp. 230-31. Dontaviha was not old enough at the time to pawn the laptop,[2] so Gregg signed the pawn slip to get the money. R. p. 251-52. Gregg gave Dontaviha around thirty dollars from the pawn. R. p. 231. Gregg was subsequently arrested for obtaining goods by false pretenses for pawning the stolen laptop. R. p. 208. After his arrest, Gregg approached Dontaviha and demanded seventy-five dollars. R. p. 231. Dontaviha laughed at him and told him he would not give him the money. R. p. 232. Dontaviha testified Gregg was angry and threatened him. R. p. 252. Gregg then sent a variety of threatening messages to Dontaviha from Appellant's Facebook account. R. pp. 236-41. The last Facebook message was sent mere hours before Dontaviha was shot. R. p. 242. Dontaviha stated that he sustained a gunshot wound during the shooting. R. p. 243. Dontaviha observed Appellant's vehicle leaving the area immediately after he was shot. R. p. 243. Dontaviha was subsequently hospitalized and underwent multiple surgeries. R. pp. 242-44. While he was at the hospital on the

[2] Dontaviha was seventeen at the time. R. p. 251.

evening of December 18th, Dontaviha met with law enforcement. R. p. 256. Dontaviha was asked by law enforcement officers whether anyone wanted to hurt him and he replied that Gregg might want to hurt him. R. p. 256.

After the shooting, Officer Nathan Fry of the City of Charleston Police Department located Appellant at his residence and took him to the police station. R. pp. 100-02. Appellant's vehicle was later found at the residence and seized by law enforcement. R. p. 330. Appellant was initially interviewed by Officer Richard Burckhardt of the City of Charleston Police Department. R. p. 318. Appellant told Officer Burckhardt he had no knowledge of the shooting nor was he present for the shooting. R. p. 324. Appellant alleged he loaned the vehicle to a female acquaintance on the afternoon and had no idea where the vehicle was or who was occupying the vehicle., R. p. 324.

After Officer Burckhardt interviewed Appellant, Officer Krasowski arrived and interviewed Appellant. R. pp. 332-33. Officer Krasowski testified that sometimes different interviewers find more success with a given suspect than others, so he and another officer, Detective Bailey, decided to try to interview Appellant. R. p. 333. Officer Krasowski stated Appellant's denial of any knowledge of the crime was not consistent with information law enforcement independently obtained. R. p. 335. During his interview with Officer Krasowski, Appellant admitted he was driving the vehicle when shots were fired. R. p. 335. Appellant also told Officer Krasowski that an individual named Kevin Corley was sitting in the passenger seat. R. p. 335. Law enforcement confirmed that Corley was in fact sitting in the passenger seat. Appellant told law enforcement that an individual named Elijah Green was seated in the rear passenger side. R. p. 335. Finally, Appellant incriminated a man by the name of Antonio Barrett as the shooter and provided law enforcement a physical description of him. R. p. 336-37. Officer

Krasowski subsequently showed appellant a photograph of Antonio Barrett, and he identified him as being the passenger in his vehicle. R. p. 340. Appellant specifically stated Barrett was the shooter. R. p. 341. After canvassing the area and speaking with witnesses, investigators were able to place Appellant, Green, and Corley in the vehicle together. R. p. 348. Officer Krasowski asked Appellant about Lamont Gregg during the interview and Appellant replied Gregg was "his homeboy." R. p. 339.

Arrest warrants were subsequently drafted for Kevin Corley, Elijah Green, and Antonio Barrett. R. p. 342. When asked why he moved to arrest Barrett based solely on Appellant's identification of Barrett as the shooter, Officer Krasowski testified:

> Well, he - - in the beginning stages of his interview, he - - he did lie. He tried to say that he was not involved in this at all, his car was elsewhere and he had no knowledge of what occurred. His, his statement evolved to the point where he was relaying information that we were able to corroborate through other witnesses. When he identified Elijah Green and Kevin Corley, that was consistent with the other information that we got at that time. So, it was suggesting that he was - - there was credibility to the statement. He also stated that he did drive by and he drove by with the driver's side facing the, the incident location, the house of Mazerati.[3] So, everything was jiving. So, when he went on to describe this - - this fourth person, which turned out to be the shooter, there was no reason not to believe him at that point when he did provide all that other corroborating information.

R. p. 343. Antonio Barrett was subsequently arrested on December 19, 2014. R. p. 344. Barrett remained imprisoned until February 13, 2015. R. p. 344.

As investigators continued to investigate the case, Gregg's name continued to come up. R. p. 352. Investigators ultimately arrested Gregg. R. p. 355. Gregg admitted he fired the gun in the shooting and subsequently pled guilty to attempted murder and possession of a firearm during the commission of a violent crime. R. pp. 355-56. Antonio Barrett's charges were not dropped by the solicitor's office until August 24, 2015. R. p. 359.

[3] Dontaviha Patterson was known by the nickname "Mazerati." R. p. 197.

Antonio Barrett testified at trial. R. pp. 196-203. Barrett stated he lived in the Ardmore neighborhood and was an acquaintance of Dontaviha Patterson. R. pp. 196-97. Barrett knew Appellant, however they did not have any sort of relationship. R. p. 198. Barrett testified he does not know why Appellant named him as the perpetrator of the shooting. R. p. 200. Barrett noted he spent two months in prison because of Appellant's false identification. R. p. 200.

Appellant's Motion to Quash and Motion for Directed Verdict

Prior to trial, Defense Counsel made a motion to quash Appellant's indictment for obstruction of justice. R. p. 54. Defense Counsel argued that Appellant's conduct amounted to misprision of a felony rather than obstruction of justice. R. p. 55. Defense Counsel intimated that the State only charged Appellant with obstruction of justice because it was precluded from charging him with misprision because he was also being charged as a principal actor. R. pp. 56-57. Secondarily, Defense Counsel argued that lying to law enforcement could not constitute obstruction of justice unless that particular defendant had taken an oath to administer justice. R. p. 58. Defense Counsel contended an ordinary citizen could not be convicted of obstruction of justice. R. p. 59. Defense Counsel implied that, while his client lied to the police and identified Antonio Barrett as the shooter, law enforcement should have known Lamont Gregg was actually the shooter, therefore Appellant's misinformation was not what led to Barrett's continued incarceration. R. p. 63. After hearing argument from the solicitor as well as further argument from Defense Counsel, the trial judge denied the motion to quash the indictment. R. p. 66.

At the directed verdict stage, Defense Counsel renewed his argument that the State could not prove obstruction of justice under the facts of this case. R. p. 364. Defense Counsel argued that because Gregg was eventually brought to justice, Appellant did not impede the administration of justice. R. p. 364. Defense Counsel again argued that, despite the fact

Appellant incriminated Barrett as the shooter, the police should have known Appellant's account was not credible and Gregg was the actual perpetrator. R. p. 365. In response, the solicitor argued:

> It's an interesting position that the Defense is taking. It's almost like, yeah, our guy lied, yeah, it's our guy's fault that he got arrested but they didn't do their job. I don't - - you can't say that just because the police didn't follow up on Lamont Gregg that [Appellant] didn't obstruct or impede the investigation or administration of justice. And I think that Detective Krasowski had a good explanation for why you don't go interview Lamont Gregg and in each one of those bits and pieces of evidence that came up could be explained. You have an eyewitness to the incident. And, he did provide some corroborating information, the direction in which the vehicle was traveling wasn't provided to him. So that's - - that's pretty credible information. He provided that on himself. At that time, they didn't have any reason to disbelieve him. Just because the one guy that Lamont Gregg wanted to shoot, doesn't mean that more people didn't want to shoot him. So, I think they had more than enough to go ahead with probable cause at that time to affect the arrest.

R. p. 366.

ARGUMENT

The trial judge properly denied Appellant's motion for a directed verdict because the evidence and testimony presented during Appellant's trial, when viewed in a light most favorable to the State, could induce a reasonable juror to find Appellant's egregious lie to law enforcement, which led to an innocent man being incarcerated for two months while the actual culprit temporarily escaped justice, constituted an act which prevented, obstructed, impeded, or hindered the administration of justice.

Appellant asserts the trial judge erred in denying his motion for directed verdict because the State did not present any direct or substantial circumstantial evidence that his actions obstructed the administration of justice. Specifically, Appellant avers that in order for one to be found guilty of obstructing the administration of justice, some sort of judicial proceeding must exist at the time of the obstruction. Appellant argues, "in the absence of a pending proceeding conducted by a constitute part of the judicial branch, there is no 'administration of justice' for an individual to obstruct or hinder." (Br. of App. p. 16). This argument lacks merit. The State presented sufficient evidence for a jury to conclude Appellant's conduct satisfied all the elements of obstruction of justice. Appellant intentionally misled law enforcement in order to prevent them from arresting Lamont Gregg for attempted murder. Appellant's chosen definition of "administration of justice" is far too narrow and would create a culture where criminal defendants are encouraged to lie in order to thwart police investigations. The "administration of justice" is a broad term that encompasses conduct beginning at the time of police investigation and runs through the ultimate adjudication of a criminal case. Appellant's lie to law enforcement, which led them on a "wild goose chase" and caused an innocent man to be imprisoned for two months, constituted an act which impeded the administration of justice. The jury could therefore rationally conclude Appellant prevented, obstructed, impeded, or hindered the administration of justice.

When considering a motion for directed verdict, the trial court is concerned with the existence of evidence, not its weight. State v. Walker, 349 S.C. 49, 53, 562 S.E.2d 313, 315 (2002). The task of the trial court is to simply determine "whether the evidence presented is sufficient to allow a reasonable juror to find the defendant guilty beyond a reasonable doubt. State v. Bennett, 415 S.C. 232, 781 S.E.2d 352 (2016). "It is a fundamental concept of criminal law that the State must prove beyond a reasonable doubt all the elements of the offense charged against the defendant." State v. Brown, 360 S.C. 581, 590, 602 S.E.2d 392, 397 (2004). Ultimately, the question is whether, in view of the evidence in the light most favorable to the State, a rational trier of fact could find all the elements beyond a reasonable doubt. State v. Robinson, 310 S.C. 535, 539, 426 S.E.2d 317, 318 (1992) (finding any rational trier of fact could have found all the elements of the crime beyond a reasonable doubt in affirming the denial of a motion for directed verdict and citing Jackson v. Virginia, 443 U.S. 307 (1979)).

The United States Supreme Court noted the following:

> [T]he relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. . . . This familiar standard gives full play to the responsibility of the trier of fact fairly to resolve conflicts in the testimony, to weigh the evidence, and to draw reasonable inferences from basic facts to ultimate facts.

Jackson, at 319.

In 1980, the South Carolina legislature enacted Article 4, Chapter 9 of Title 16 of the South Carolina Code, entitled "Interference with Judicial Process." "This statute codifies various crimes which were categorized at common law under the general heading of obstruction of justice and which were previously prosecuted as such in South Carolina." MCANINCH, FAIREY & COGGIOLA, THE CRIMINAL LAW OF SOUTH CAROLINA 547 (6th ed.2002). While the statute

codified some acts that were previously prosecuted as common law obstruction of justice, the act is not completely comprehensive and some acts do not fall within the statutory scheme. See State v. Lyles-Gray, 328 S.C. 458, 464, 492 S.E.2d 802, 805 (Ct. App. 1997) (Although the statute codifies '**various** common law crimes' it does not purport to codify or supersede **all** of them.") (emphasis original). Under the common law, obstruction of justice is defined as "any act which prevents, obstructs, impedes, or hinders the administration of justice." State v. Cogdell, 273 S.C. 563, 567, 257 S.E.2d 748, 750-51 (1979) (quoting 67 C.J.S. Obstructing Justice §§2 and 3).

In Lyles-Gray, this Court addressed a case where Lyles-Gray, an officer with the Camden Police Department, was convicted of two counts of common-law obstruction of justice and two counts of official misconduct in office. 328 S.C. 458, 492 S.E.2d 802. The underlying facts of the case arose when Betty Kennedy, a security manager of the Belk's store in Camden observed Renee Lyles and her companion, Valerie Drakeford, acting suspiciously. Id. at 460-61. Kennedy watched Lyles toss a sweater into the air and place it into a shopping bag. Id. at 461. Lyles was subsequently observed leaving the store without paying for the item, placing the shopping bag into a blue Ford Escort, and returning into the store. Id. Kennedy reported the theft to Sergeant George Waters, who observed the shopping bag in the floorboard of the Escort when he arrived at the scene. Id. Lyles denied any knowledge of the Escort and repeatedly told Drakeford, "let's go let's go." Lyles and Drakeford subsequently drove away in another vehicle. Id. Sergeant Waters performed a license check and discovered Lyles-Gray owned the vehicle. Id. Lyles-Gray was a City of Camden police officer and the mother of Renee Lyles. Id. Sergeant Waters called Lyles-Gray to ask if a locksmith could open the vehicle and she told him to "leave it alone." Id. Store personnel subsequently saw Lyles-Gray arrive and unlock the Escort. Id. at 462. Kennedy walked to the vehicle and tapped on the window and Lyles-Gray asked her "Do you know who I

am?" Id. Kennedy informed Lyles-Gray she believed there was stolen merchandise in the vehicle and Lyles-Gray replied, "I'm Henrietta Gray with the Camden City Police Department, and I think not." Id. When Kennedy again asked for the merchandise, Lyles-Gray told her, "I think not, lady" and drove away. Id. Lyles-Gray's deceptive conduct continued throughout the investigation. Lyles-Gray refused to interview witnesses after Renee Lyles was identified as a suspect, she later prepared an arrest warrant for a third party who was not present that Kennedy refused to sign because it was not representative of what actually occurred in the case, and refused to turn over the sweater to the officer who later took over the investigation from her. Id. at 462-63. Lyles-Gray was subsequently investigated by SLED and indicted for obstruction of justice and misconduct in office. Id. at 463. On appeal, Lyles-Gray first contended the trial judge should have quashed the indictments for common law obstruction of justice, averring S.C. Code Section 16-9-340 superseded common law obstruction. Id. at 463-64. The court quickly dispensed with that argument, finding that while the statute sought to codify some common law crimes, it did not purport to supersede all of them. Id. at 464. Second, and more pertinent to this case, Lyles-Gray contended the trial judge erred in denying her motion for directed verdict. Id. at 465. The Court found that the State presented sufficient evidence from which a jury could logically concluded Lyles-Gray obstructed justice. Id. at 467

While it is uncontroverted that Appellant lied to law enforcement, he contends that his lie could not constitute an act which prevents, obstructs, impedes, or hinders the administration of justice. The application of the holding in Lyles-Gray singlehandedly scuttles Appellant's argument. Lyles-Gray engaged in a deceptive and duplicitous course of conduct intended to derail a criminal investigation and have another party, wholly uninvolved in the commission of the crime, wrongly convicted. Appellant engaged in an exceptionally similar course of conduct,

as his deception was designed to impede a criminal investigation and incriminate an innocent party while the actual culprit, his friend Lamont Gregg, escaped justice. Critically, Lyles-Gray stands for the proposition that, contrary to Appellant's assertions that a judicial proceeding must exist in order for one to obstruct justice, common law obstruction of justice does in fact apply to a pre-warrant or pre-charge investigation by police officers. See also City of Columbia v. Bouie, 124 S.E.2d 332 (1962) ("Resisting arrest is one form of the common-law offense of obstructing justice. . . ."), rev'd on other grounds, 378 U.S. 347 (1964). Therefore the existence of a judicial process is not necessary for a defendant to be convicted of obstruction of justice.

The State would further note the narrow interpretation of the term "administration of justice" advanced by Appellant would generate an absurd result in this case and encourage a culture of obstructionism by criminal defendants.[4] As noted by Defense Counsel at trial, Appellant could not be charged with misprision of a felony because he was also being charged with the principal offense of attempted murder. See e.g. State v. Smith, 357 S.C. 182, 186, 592 S.E.2d 302, 304 (2004) ("Where, however, the speaker reasonably believes that the information concealed could be used against her in a criminal prosecution as an accessory or principal in the underlying felony, then the privilege bars a misprision prosecution."). Appellant's interpretation of "administration of justice" would mean that in any case where an individual who is also charged with a principal offense actively impedes the investigation in any way, that defendant could not be prosecuted for misprision or obstruction of justice. It defies logic to hold that criminal defendants should be able to willfully lie to law enforcement officers in order to

[4] Appellant differentiates his conduct in the present case from the underlying conduct in a number of our State's obstruction of justice cases in order to further his contention that his conduct did not constitute obstruction of justice. Appellant's argument is deeply flawed in that it fails to recognize that, because obstruction of justice is such a broad concept, the underlying charge can stem from an exceptionally wide range of behaviors. The mere fact that different conduct was **also** found to constitute obstruction of justice does not mean that is the **only** kind of conduct that can constitute obstruction.

obstruct the investigation and potentially avoid justice and avoid any type of criminal liability for their conduct. Appellant's interpretation would simply encourage criminal defendants to deliberately sabotage any investigation by law enforcement, as they know it may lead to their exoneration and their obstruction is conduct for which they could not be punished. Appellant goes so far as to make the brash assertion that police officers expect individuals to lie and derive an investigative benefit when they do. It strains credulity to believe the law enforcement officers in this case expected Appellant was lying to them when he incriminated an innocent man, and certainly no investigative benefit was derived from Antonio Barrett's imprisonment. The term "administration of justice" is purposely expansive, as conduct amounting to obstruction can arise any time from the inception of a criminal investigation through the adjudication of a particular defendant's case. It has never been held that a judicial proceeding must be initiated for one to obstruct justice, and to hold so now would lead to results that are plainly absurd. See People v. Barbee, 681 N.W.2d 348, 351 (Mich. 2004) ("The investigation of crime is critical to the administration of justice. Providing a false name to the police constitutes interference with the administration of justice. . . ."); see also State v. White, 29 N.E.3d 939, 944 (Ohio 2015) ("An officer, in the performance of his duty as such, stands on an entirely different footing from an individual. He is a minister of justice, and entitled to the peculiar protection of the law.") (citing State v. Smith, 103 N.W. 944 (Iowa 1905); City of McMechen ex rel. Wiley v. Fidelity & Cas. Co. of N.Y., 116 S.E.2d 388, 393 (W.Va. 1960) ("A police officer in the performance of his duty as such is a minister of justice and entitled to the peculiar protection of the law.").

Furthermore, the State would note that Appellant's conduct went beyond a mere lie. Deliberately lying to law enforcement, if it prevents, obstructs, impedes, or hinders the administration of justice, certainly amounts to obstruction of justice. However, Appellant's

conduct was even more offensive to the tenets of justice and fairness. Appellant did not simply tell a mere lie; Appellant deliberately caused a person he knew to be innocent to be indicted and jailed for the offense. In discussing the category of offenses that interfered with public justice, Sir William Blackstone discussed twenty-two separate offenses under the heading "Offences against Public Justice."[5] 4 William Blackstone, *Commentaries* (1890), pp. 160-77. Pertinently, Blackstone expressly identified "conspiracy to indict an innocent man" as one of the twenty-two offenses he believed constituted interference with public justice. As recognized by Blackstone, Appellant's conduct was particularly egregious and would be found to constitute obstruction of justice under centuries of common law tradition.

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[5] While not intended to be comprehensive, the twenty-two offenses are:

> "1. Imbezzling or vacating records, or falsifying certain other proceedings in a court of judicature ... 2. [induce a prisoner] to accuse and turn evidence against another ... 3. ... obstructing the execution of lawful process ... 4. An escape of a person arrested upon criminal process, by eluding the vigilance of his keepers before he is put in hold ... 5. Breach of prison by the offender himself, when committed for any cause ... 6. Rescue is the forcibly and knowingly freeing another from an arrest or imprisonment ... 7. ... returning from transportation ... before the expiration of the term for which the offender was ordered to be transported ... 8. ... taking a reward, under pretence of helping the owner to his stolen goods ... 9. Receiving of stolen goods, knowing them to be stolen ... 10. ... the party robbed not only knows the felon, but also takes his goods again, or other amends, upon agreement not to prosecute ... 11. Common barretry is the offence of frequently exciting and stirring up suits and quarrels ... 12. ... officious intermeddling in a suit that no way belongs to one, by maintaining or assisting either party with money or otherwise ... 13. Champerty ... being a bargain with a plaintiff or defendant ... to divide the land or other matter sued for between them ... 14. ... compounding of informations upon penal statutes ... 15. ... conspiracy to indict an innocent man ... 16. ... perjury ... 17. Bribery ... 18. Embracery is an attempt to influence the jury corruptly to one side ... 19. The false verdict of jurors, whether occasioned by embracery or not ... 20. ... negligence of public officers ... 21. ... oppression and tyrannical partiality of judges, justices, and other magistrates, in the administration and under the colour of their office ... 22. ... extortion...."
>
> Blackstone at 160–77.

All of the above leads to the natural conclusion that the trial judge properly denied Appellant's motion for directed verdict. In order to withstand Appellant's motion for directed verdict, it was incumbent upon the State to prove that a rational trier of fact could find beyond a reasonable doubt that Appellant prevented, obstructed, impeded, or hindered the administration of justice. Appellant's deliberate misrepresentation to law enforcement about the shooter's identity could reasonably be interpreted as an action designed to impede or prevent the criminal investigation. Furthermore, as discussed *infra*, the criminal investigation into the shooting represents an important stage in the administration of justice. Appellant's reprehensible act of lying to law enforcement, thus condemning an innocent man to imprisonment for two months in order to protect Lamont Gregg and stall the criminal investigation clearly constitutes an act designed to obstruct the administration of justice.[6] The trial judge thus properly denied Appellant's motion for directed verdict, as the jury was presented with substantial evidence of the elements of common law obstruction of justice. Appellant's conviction and sentence should be affirmed.

[6] Appellant's argument is futile; even if Appellant's chosen definition of "administration of justice" was correct, the State still proved all elements of the offense, as Appellant still obstructed, impeded, or hindered a judicial proceeding. Appellant's conduct significantly delayed a judicial proceeding against Lamont Gregg, the actual perpetrator, which would still satisfy all elements of the common law offense under Appellant's interpretation.

CONCLUSION

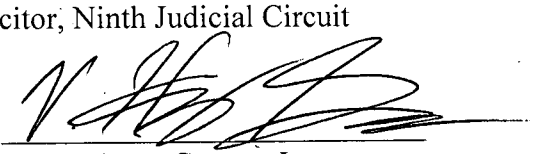
For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

V. HENRY GUNTER, JR.
Assistant Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

BY: 
V. Henry Gunter, Jr.
Bar # 102259

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

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CERTIFICATE OF COUNSEL

The undersigned certifies that this Final Brief of Respondent complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

ALAN WILSON
Attorney General

V. HENRY GUNTER, JR.
Assistant Attorney General

SCARLETT A. WILSON
Solicitor, Ninth Judicial Circuit

BY:
V. HENRY GUNTER, JR.
S.C. Bar No. 102259

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3727

ATTORNEYS FOR RESPONDENT

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