

ORIGINAL

**STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from Dillon County
The Honorable Paul M. Burch, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

DAMIAN INMAN,

APPELLANT

Appellate Case No. 2015-002353

FINAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

W. JOSEPH MAYE
Assistant Attorney General
S.C. Bar No. 100851
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305

WILLIAM B. ROGERS, JR.
Solicitor, Fourth Judicial Circuit

ATTORNEYS FOR RESPONDENT

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APPELLANT'S STATEMENT OF ISSUES ON APPEAL

- I. Whether the trial court erred in giving a jury charge on circumstantial evidence that did not meet the standards set forth in *State v. Logan*, 405 S.C. 83, 747 S.E.2d 444 (2013)?

RESPONDENT'S COUNTERSTATEMENT OF ISSUES ON APPEAL

- I. Did the trial court err in not giving a *Sate v. Logan* circumstantial evidence charge when counsel for Defendant did not request the charge at trial, and where the direct evidence presented by the State included both a sworn written confession by Defendant as to his involvement and presence during the charged crimes, as well as a statement against interest made to a fellow inmate wherein Defendant confessed to personally murdering the victim?

STATEMENT OF THE CASE

Appellant was charged with murder (2009-GS-17-1210), possession of a weapon during the commission of a violent crime (2009-GS-17-1211), first degree burglary (2009-GS-17-1212), kidnapping (2009-GS-17-1213), armed robbery (2009-GS-17-1214), grand larceny (2009-GS-17-1215), and criminal conspiracy (2009-GS-17-1217). A three day jury trial was held before the Honorable Judge Paul M. Burch on June 9 through June 11, 2015. Appellant was represented at trial by Thurmond Brooker. The State was represented by Assistant Solicitor Shipp Daniel and Deputy Solicitor Kernard Redmond. At the conclusion of the trial, the jury found Appellant guilty on all charges except grand larceny, which was withdrawn by the State, and Judge Burch sentenced Appellant to thirty (30) years imprisonment for armed robbery, five (5) years consecutive for criminal conspiracy, and five (5) years consecutive for possession of a weapon.

As Appellant was a minor at the time of the offenses, a separate sentencing hearing for the charges of murder and first degree burglary was held on October 29, 2015. Judge Burch sentenced Appellant to concurrent life sentences for each charge.

This appeal now follows.

SUMMARY OF ARGUMENT

Appellant's conviction should be affirmed. Defense counsel did not request the specialized circumstantial evidence charge set forth in *State v. Logan*, nor was there any discussion regarding the need for additional focus or explanation of circumstantial evidence. As the Court in *Logan* indicates, its suggested charge is not mandatory, and counsel must specifically request the *Logan* charge before the issue can be considered a potential error by the trial court in failing to utilize it. Furthermore, the facts set forth by the State do not present a need for a *Logan* charge, as there are both direct and circumstantial evidence supporting

Appellant's guilt and the State did not rely on circumstantial evidence in seeking a conviction. Lastly, even if the Court was in error for not providing the *Logan* circumstantial evidence instruction to the jury, the error was harmless as the circumstantial evidence of the case was all consistent with Appellant's guilt.

STATEMENT OF FACTS

The Crime

On the afternoon of August 17, 2009, three individuals, John Henry Bridges, Lorenzo Inman (also known as "Russell"), and Appellant Damian Inman (also known as "Tweet", and is the brother of Lorenzo Inman), approached the Dillon County home of seventy-five year old Mary Alice Stutts. (R.p. 59, line 23 through p. 61, line 8). Under the guise of needing a drink of water, they knocked on the door and asked Ms. Stutts if they could use her outside faucet. (R. p. 59, line 23 through p. 61, line 8). When Ms. Stutts stepped outside to assist them they pulled a gun on her and demanded she give them her money. (R.p. 271, line 18 through p. 272, line 21; p. 59, line 23 – p. 61, line 8). She didn't have any money and tried to get away, but was knocked down by the assailants. (R. p. 59, line 23 through p. 61, line 8). The three individuals attempted to rob the home and were able to find the keys to Ms. Stutts' white Toyota Camry. (R.p. 271, line 18 through p. 272, line 21; p. 59, line 23 – p. 61, line 8). They pulled the car to the back of the house so they would not be seen, pulled out the car seat and the stroller kept in the trunk, and left the items in the yard. They drug Ms. Stutts to the car, put her into the trunk, and drove to a secluded dirt road in Little Rock. (R.p. 271, line 18 through p. 272, line 21; p. 59, line 23 – p. 61, line 8). They pulled Ms. Stutts out of the trunk, shot her twice in the head, and then drug her into the woods off the road. (R.p. 271, line 18 through p. 272, line 21).

The three individuals then rode around in the stolen Camry for several hours that night

until they dropped off Damian Inman (herein after referred to as "Appellant"). (R.p. 72, line 23 through p. 73, line 4). The following day authorities were alerted to Ms. Stutts being missing, along with her missing Toyota Camry. A report was called in that the Camry had been recently seen at Lockamy's Scrap Metal where two individuals attempted to sell the car. A police chase ensued and John Henry Bridges (herein after referred to as "Bridges") and Lorenzo Inman (herein after referred to as "Lorenzo") were arrested. (R.p. 86, line 1 through p. 87, line 6). Bridges led the police to the Ms. Stutts body and informed the police of Appellant's involvement. (R.p. 47, line 12 through p. 48, line 24). The police then arrested Appellant while he was at school.

Testimony and Evidence from Trial

The State presented evidence first from family members and responding officers as to how Ms. Stutts was discovered missing on August 18, 2009, the fact that her white Toyota Camry was missing, the evidence of her abduction, and the police investigation that followed. (R.p. 114, lines 1-21; p. 15-42). SLED forensic investigations did not produce any fingerprints or DNA evidence from the scene that matched Appellant. (R.p. 128, lines 17-23). The only positive findings of DNA evidence recovered matched the victim, Mary Alice Stutts. (R.p. 172, lines 12-16). The autopsy showed that Ms. Stutts was shot once behind the left ear and once in the right nostril. (R.p. 246, line 22 through p. 247, line 11). Detective Allen Rogers testified that the location and number of the gunshot wounds was not released publicly. (R.p. 247, lines 12-14)

The State then elicited testimony from Detective Jason Turner that the white Camry had been spotted at Lockamy's Scrap Metal where two individuals had attempted to sell it. (R.p. 43, lines 2-6). A high speed chase ensued and Bridges and Lorenzo were arrested after fleeing the vehicle. (R.p. 86, line 1 through p. 87, line 6). Police were able to recover the gun that was used

to kill Ms. Stutts near the scene where the police chase ended. (R.p. 148, lines 1-6). The bullets recovered from Ms. Stutts autopsy were confirmed to have been fired by this weapon. (R.p. 147, lines 13-25).

Bridges agreed to cooperate with law enforcement and he personally directed them to the location of Ms. Stutts' body. (R.p. 47, lines 12-22). Additionally, Bridges informed the police of Appellant's participation in the crimes. (R.p. 48, lines 20-24). The police learned that Appellant was at school and they arrested him from school on August 18th, 2009. (R.p. 49, lines 2-10).

Once in custody and *Mirandized*, Appellant chose to waive his rights and provide police authorities with a handwritten and signed statement. (R.p. 50, line 8 through p. 59, line 16). The solicitor then read the contents of Appellant's statement:

It was me and brother. Three o'clock. Walked down the road to Jacksonville. Then I saw – the heard. Then they told me and brother to walk to get in the car. He said to walk down the block and get in the car and then told us to go to the house and get or he will kill me and my brother if we don't do it.

Henry went to door and asked the old woman for water out of the water hose. He said that he didn't know how to turn the water on. That's when she came outside. That's when he pointed the gun to her head to her to give the money. Then she said that she does have the money.

Then she run. Then he knocked her down. Took her to give him the key or he will kill her. That's when told me to drive the car in the back. So he told my brother to help him put in trunk of the car.

Then told us to come with him or he will kill us in car. Then he went riding through Little Rock in that cut off through Bland Road in to drop her body off. Then opened the trunk. Henry dragged her out of the trunk and shot her twice in the head. That dragged body in the woods. He told us to get the car. Told us that if you told on me he would kill my brother and my mother.

That when Henry drive the car through New Town and Jacksonville. Then he told to get out of the car at the house. Told me again not to talk. Told my brother to come with him or he will

kill him, too. Around 10:30 they left. Henry told my brother to help drag or he will shoot him. Henry told me to put the bag of shells in my house or him kill my mother. Then they planned the whole thing. I tried to warn her, but put the gun to my head and told me to stop or he will shoot. I was scared. That's why I did said anything to police because Henry said I was going to kill her. Then I thought about then came in and told the truth that.

(R.p. 59, line 23 through p. 61, line 8). Though not explicitly written in the statement, Detective Jason Turner also informed the court that Appellant had informed him that he rode around with Bridges and Lorenzo that night after they had killed Ms. Stutts. (R.p. 72, line 23 through p. 73, line 4). A search warrant was obtained for Appellant's home, and the police discovered .25 caliber Remington ammunition that matched the ammunition found in the recovered gun and the bullets that struck Ms. Stutts. (R.p. 90, line 15 through p. 91, line 23; p. 147, line 15 through 148, line 13; p. 98, lines 20-21; p. 123, lines 1-12).

The State admitted additional testimony from various individuals who encountered Bridges, Lorenzo, and Appellant on the day of the crimes. Lisa Alford, a custodian working at Stewart Heights Elementary School near the victim's home, testified that she saw the three boys walking together in the evening of August 2009, including Bridges who she knew from living in the same neighborhood. (R.p. 177, lines 14 through p. 178, line 13; p. 180, lines 3-14; p. 182, lines 13-22). The boys were within about fifty feet of her at the time she saw them walking together and she was able to recognize and identify Appellant as one of the boys she saw that day. (R.p. 186, lines 9-12; p. 189, line 13 through p. 190, line 4).

The State elicited testimony from Sandra Thompson, the aunt of Bridges. (R.p. 195, lines 20-25). Ms. Thompson testified that Bridges visited her briefly the night before he was arrested, and that he and two others arrived in a white four door car. (R.p. 196, lines 5-7; p. 197, lines 4-17). Ms. Thompson then identified Appellant as the driver of the car that night and testified that

she was able to see him because the light in the car was on. (R.p. 197, line 23 through p. 199, line 8; p. 203, line 17).

Martha Ann Jacobs testified that she saw all three defendants on the night of August 17, 2009, at approximately 11:00pm. (R.p. 210, line 17 through p. 211, line 5). She personally recognized Appellant and Lorenzo, but did not know Bridges; the three had come up to the house to hang out. (R.p. 211, line 9 through p. 212, line 13). Ms. Jacobs explained that she knew Appellant by his nickname or street name "Tweet", and that she knew Lorenzo by his nickname "Russell". (R.p. 211, line 20 through p. 212, line 5). Ms. Jacobs testified that she'd known Appellant for two years prior to this encounter and that he did not seem distressed or scared, nor did he act out of the ordinary from her previous encounters with him. (R.p. 213, line 1 through p. 214, line 8).

Jasmine Mearite testified that she had seen all three defendants together on two different occasions on August 17, 2009, but did not know Bridges. (R.p. 219, line 19 through p. 220, line 7). The first encounter was around 8:30 or 9:00pm when the three drove up in a white Toyota and asked if she wanted to go for a ride with them; Ms. Mearite even asked them where they had acquired the car.¹ (R.p. 220, lines 14-19). Ms. Mearite testified that though Appellant did not speak during this encounter, she had known him all her life and he was not acting as if anything was wrong; he was sitting in the backseat and appeared to be wiping a C.D., Bridges was in the passenger seat, and Lorenzo was driving. (R.p. 221, line 7 through p. 222, line 14). The encounter lasted approximately thirty minutes, and then they drove off. (Tr. p. 255, lines 15-20). On the second encounter, Ms. Mearite saw the three defendants again around 10:30 to 11:00 when they walked up to hang out for approximately an hour, this time without the car. (R.p. 222,

¹ The response to the question was preemptively excluded from her testimony as hearsay. (R.p. 220, lines 20-25).

line 22 through p. 223, line 21; p. 224, lines 8-11). Ms. Mearite testified that Appellant did not appear to be in distress or fearful of Bridges; Appellant acted normally as if nothing was wrong. (R.p. 223, line 22 through p. 225, line 8). On redirect she stated verbatim, “he didn’t look like he was mad that night. It was like a normal night like he was happy. Or, you know, just ready to turn up and go party.” (R.p. 228, lines 13-16).

The State also elicited the testimony of Eddie Boone, an inmate serving time for failing to pay child support. (R.p. 305, lines 11-14). By happenstance, Mr. Boone was placed into the same prison “pod” with both Lorenzo Inman and Appellant at different times during his incarceration. (R.p. 241, line 8 through p. 242, line 9). While in prison together, Lorenzo informed Mr. Boone about the details of Ms. Stutts’ murder, specifically that it was Appellant who shot Ms. Stutts. (R.p. 269, line 21 through p. 270, line 14).

Mr. Boone provided a written statement as to the interaction with Lorenzo. His statement was read aloud during his testimony, and states in pertinent part:

Then they took the bitch and put her in the trunk. He laughed. Then drove towards Bingham and Bennettsville and took her down a road by a ditch with trees on both sides near her car. Pulled in the bushes.

And he said Tweet was about to fuck the bitch. He decided not to. He said, Then he pulled the gun out and shot her in the face and then in the side of the head after she begged him not to kill her.

(R.p. 307, lines 4-11). Mr. Boone’s statement to the police regarding Lorenzo’s conversation also reiterated that the group had approached the home under the guise of needing water, had attempted to rob Ms. Stutts, and that Ms. Stutts did not have any money. (R.p. 294, lines 2-25). Boone was cross examined as to his unclear use of the word “he” and asked precisely who Boone was referring to in his statement. Boone clarified that “he” was intended to refer to

“Tweet”,² and that Tweet considered raping Ms. Stutts, decided not to, and then shot her twice in the head. (R.p. 296, lines 10-14; p. 307, lines 12-15).

Following his conversations with Lorenzo, Mr. Boone was then housed in the same pod as Appellant approximately seven days later. (R.p. 296, lines 19-24). Having heard from Lorenzo how the crime was committed, Mr. Boone asked Appellant if it was true.³ (R.p. 271, lines 2-6). In response, Appellant informed Mr. Boone multiple times that he had personally killed Ms. Stutts. (R.p. 271, lines 4-8). In reciting his conversation with Appellant, Mr. Boone testified as follows:

He said they went to this lady’s house to rob her or something. He said they were – he said there was a house to rob. He said he went in the house. Searched the house. Couldn’t find nothing. Took and put her in the tank. Drove her down towards Bingham. Put her in the bushes. Well, all in front of the bushes and stuff.

And he said he shot the lady in the face. She was begging. He shot her in the face. Her head turned to the side he shot her again.

He said it was like killing a damn dog. He said he didn’t feel it. I said, “How you feel?” He said, “I don’t feel shit. It’s like killing a damn dog.”

He said that John Henry – he said John Henry – he said John Henry helped him put – take the woman out the car and stuff like that. He said John Henry reputation. John Henry running around acting like he bad, but he said, “He ain’t did shit.” He said, “I should have shot that motherfucker and left him right, too. There would have been two missing people.” Then he said – later on he said, “Should have shot that motherfucker while he was in the back seat.”

(Tr. p. 304, line 18 through p. 305, line 21). Mr. Boone explained that his use of foul language in his testimony was only because those were the exact words that Appellant used. (Tr. p. 306, lines

² Mr. Boone also confirmed that everyone called the Appellant “Tweet”. (R.p. 289, lines 20-21).

³ Both the Defendant and the State stipulated that there were no housing requests for Mr. Boone to be placed in the same pod with Lorenzo and Appellant. The parties agreed there was no *Masiah* issue to this occurrence. (R.p. 241, line 8 through p. 242, lines 13).

22-25). Mr. Boone also testified that he was released from prison as he was originally scheduled and did not receive any sentencing benefit for his testimony. (R.p. 278, line 24 through p. 279, line 13).

In corroboration of Mr. Boone's testimony, the State introduced evidence through Detective Jason Turner to demonstrate that certain details regarding the crime were not released to the media or even to other law enforcement individuals. Facts such as the number of gunshot wounds, the location of the gunshot wounds, and the caliber of bullet were not disclosed and a person could only have learned these details if told by someone present when the crimes were committed.⁴ (R.p. 230, line 9 through p. 232, line 4; p. 246, lines 7-18).

After close of the State's case in chief, the Defense recalled Detective Jason Turner and Detective Allen Rogers for rebuttal. Appellant chose not to testify and Defense did not put forth any new witnesses. (R.pp. 326-338).

STANDARD OF REVIEW

In reviewing jury charges for error, the appellate court reviews the trial court's jury charge as a whole, and in light of the evidence and issues presented at trial. *State v. Logan*, 405 S.C. 83, 90, 747 S.E.2d 444, 448 (2013). If a jury charge is substantially correct when read as a whole and accurately covers the law, it does not require reversal. *Id.* "An appellate court will not reverse the trial court's decision regarding jury instructions unless the trial court abused its discretion." *Clark v. Cantrell*, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000). "An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." *Id.* Moreover, even if the trial court erred in

⁴ Defense counsel attempts to cross-examine Detective Turner on this point, by arguing that he is not in control of the possibility that someone leaked the withheld information, but no evidence was presented showing that a leak of information had actually occurred. (R.pp. 233-237).

failing to give a requested instruction, the requesting party also must show that the error was prejudicial to warrant reversal on appeal. *Id.*

ARGUMENT

The sole issue on appeal of this matter is whether the trial court erred in failing to give the *State v. Logan* jury instruction concerning the reliance upon circumstantial evidence. In this matter, the court did not err for numerous reasons. First, defense counsel failed to request the charge, as is explicitly required under *Logan*. Second, the State's case did not rely on circumstantial evidence; Appellant's sworn statement, the statement from Lorenzo to inmate Boone, and Appellant's statements against interest to inmate Boone all constitute direct evidence of guilt against Appellant for the crimes charged. Third, and in the alternative, if the failure to give the *Logan* charge was in error, the error was harmless as the admitted circumstantial evidence is consistent throughout the trial.

Our Supreme Court in *State v. Grippon* first addressed this issue and found that no specialized charge is needed if the trial court informs the jury as to the difference between circumstantial and direct evidence, informs them that neither is weighted more heavily than the other, and that the State is required to show guilty beyond a reasonable doubt. *State v. Grippon*, 327 S.C. 79, 84, 489 S.E.2d 462, 464 (1997), holding modified by *State v. Cherry*, 361 S.C. 588, 606 S.E.2d 475 (2004). In *State v. Cherry*, our Supreme Court addressed whether the *Grippon* charge should be the *only* charge utilized by the courts of South Carolina; they chose to adopt the *Grippon* charge as the sole charge for circumstantial evidence eliminating any use of the original *Edwards* charge. *State v. Cherry*, 361 S.C. 588, 597, 606 S.E.2d 475, 480 (2004).

Most recently, in *State v. Logan* our Supreme Court again addressed the differences between direct and circumstantial evidence and how a jury should be instructed given the

circumstances of the case presented. *State v. Logan*, 405 S.C. 83, 97, 747 S.E.2d 444, 451 (2013). The Court concluded that while the two types of evidence should not be weighted differently, they are nonetheless separated by the approach a jury must take to accurately analyze the evidence. *Id.* The Court found that circumstantial evidence requires the jury to evaluate both the veracity of the evidence and the inferences that have to be made to link that evidence to proof of a disputed fact. *Id.* The Court concludes that “trial courts should not be constrained from providing a jury charge encompassing the determinations critical for analyzing circumstantial evidence as it appears in some cases” but also that “defendants should not be restricted from requesting a jury charge that reflects the requisite connection of collateral facts necessary for a conviction.” *Id.* at 452. The Court then offers a new suggested jury charge:

There are two types of evidence which are generally presented during a trial – direct evidence and circumstantial evidence. Direct evidence directly proves the existence of a fact and does not require deduction. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact.

Crimes may be proven by circumstantial evidence. The law makes no distinction between the weight or value to be given to either direct or circumstantial evidence, however, to the extent the State relies on circumstantial evidence, all of the circumstances must be consistent with each other, and when taken together, point conclusively to the guilt of the accused beyond a reasonable doubt. If these circumstances merely portray the defendant's behavior as suspicious, the proof has failed.

The State has the burden of proving the defendant guilty beyond a reasonable doubt. This burden rests with the State regardless of whether the State relies on direct evidence, circumstantial evidence, or some combination of the two.

Id. The Court explicitly stated that its holding “does not prevent a trial court from issuing the circumstantial evidence charge provided in *Grippon and Cherry*”, only that “trial courts may not exclusively rely on that charge over the defendant’s objection.” *Id.* at 453. Likewise, in

introducing the suggested charge the Court notes that it should provide the new charge, “in addition to the proper reasonable doubt instruction, *when so requested by a defendant.*” *Id.* at 452 (emphasis added). The Court in *Logan* does not equivocate in its conclusion that the newly suggested charge must be requested by the defendant and is not to be considered a mandatory charge for all future cases. *Id.* at 453.

In the case at hand, there is absolutely no reference, request, or mention of *State v. Logan* by the Defense; nor is there any discussion or request for the type of charge suggested in *Logan*. (R.pp. 310-326). Judge Burch gives both parties the opportunity to present requested jury instructions and specifically mentions his intention to give a direct and circumstantial evidence charge. (R.p. 314, lines 15-19). No objections were made by the defense. Defense counsel even states on the record that his only requested charge is for an explanation of “bystander (mere presence)” in light of the “accomplice liability” and “the hand of one is the hand of all” theories at play in the case. (R.p. 315, lines 2-11). Judge Burch proceeds to charge the jury on direct and circumstantial evidence, along with an explanation of the beyond reasonable doubt burden of proof, consistent with *Grippon*, and without objection. (R.p. 403, line 6 through p. 404, line 3; p. 395-397). Consequently, the issue raised by Appellant is essentially unpreserved for review and otherwise fails to meet the circumstances in which an appeal under *State v. Logan* can be raised. *Id.* at 452-53.

In the alternative, the conviction of Appellant should also be affirmed on the basis that the State presented numerous instances of direct evidence such that there is not a substantial reliance upon circumstantial evidence by the State. While *State v. Logan* does not unambiguously hold that its new charge is only necessary in cases where the State relies *entirely* on circumstantial evidence, its discussion of the evolution of South Carolina law suggests that

the need for a more detailed charge may increase where reliance on circumstantial evidence is a contentious issue.

In the case at hand, no such contention exists. Direct evidence of guilt was set forth in the form of Appellant's own sworn statement, where he conceded his presence and participation but stated he was under duress to cooperate for fear of his and his family's safety. Direct evidence was also presented in the form of Eddie Boone's testimony wherein the detailed confessions of Lorenzo and Appellant were offered to the jury. The Court in *Grippon* acknowledged that a confession by defendant stands as direct evidence of guilt. See *Id.* at 462 (noting that the State introduced appellant's confession as direct evidence of the cause of death and then relied on circumstantial evidence to prove malice).

Likewise our Court of Appeals has held that "[d]irect evidence is that which requires only the factfinder's determination that the evidence is credible before it may find the existence of a disputed fact. Circumstantial evidence, on the other hand, requires the factfinder not only to determine that it believes the evidence, but also to make at least one additional inference from the evidence before concluding the fact has been proven." *State v. Rogers*, 405 S.C. 554, 564, 748 S.E.2d 265, 270 (Ct. App. 2013). The only question for the jury to address for each of the statements and confessions made by Appellant and Lorenzo is whether they believed them to be credible; the substance of the statements strongly supported the charges against Appellant. Even Appellant's sworn statement asserting duress presented only a question of whether the jury believed the Appellant's claim of duress to be credible. The direct evidence is then bolstered by the State when testimony was introduced showing that the details of Mr. Boone's testimony were accurate to the autopsy and contained facts that he could not have known without having been told by someone who was at the scene of the crime.

Circumstantial evidence was certainly a part of the State's case in chief, but it was not substantially relied upon for a conviction in this case and as such a *Logan* instruction was not necessary. There was no abuse of discretion by the trial court and the charge given under *Grippon* was proper.

Lastly, and also in the alternative, even if the Court was in error for not providing a *Logan* instruction on circumstantial evidence, the error was harmless in light of the totality of the evidence presented by the State and the lack of prejudice against Appellant. The charge given by Judge Burch was a complete and accurate statement of the law, and the charge as a whole was proper. *Logan*, at 448. Appellant has failed to demonstrate how he was prejudiced by the absence of the *Logan* instruction as the various instances of circumstantial evidence presented during trial were consistent with each other. *Cantrel*, at 539. Even under a *Logan* charge, the circumstantial evidence of this case, "when taken together, point conclusively to guilt. . ." *Logan*, at 452.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the judgments, convictions, and sentences of the trial court should be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

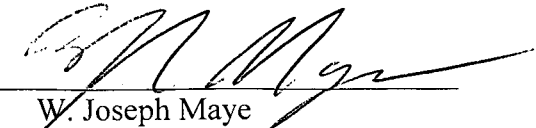
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BY: 
W. Joseph Maye

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CERTIFICATE OF COMPLIANCE

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


W. JOSEPH MAYE
Assistant Attorney General

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