

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

D. Garrison Hill, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMIE EDWARD MORRIS,

APPELLANT

APPELLATE CASE NO. 2012-212630

FINAL REPLY BRIEF OF APPELLANT

ROBERT M. PACHAK
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ARGUMENT IN REPLY

As this Court noted in State v. Lewis, __ S.E.2d __, 2013 WL 2017596, S.C.App., May 15, 2013 (No. 5132):

“The trial judge should grant a directed verdict when the evidence merely raises a suspicion that the accused is guilty.” State v. Zeigler, 364 S.C. 94, 102, 610 S.E.2d 859, 863 (Ct.App.2005) (citing State v. Arnold, 361 S.C. 386, 390, 605 S.E.2d 529, 531 (2004); State v. Schrock, 283 S.C. 129, 132, 322 S.E.2d 450, 452 (1984)). “ ‘Suspicion implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof.’ ” Id. (quoting State v. Cherry, 361 S.C. 588, 594, 606 S.E.2d 475, 478 (2004); State v. Lollis, 343 S.C. 580, 584, 541 S.E.2d 254, 256 (2001)).

“ ‘In order to be guilty as an aider or abettor, the participant must be chargeable with knowledge of the principal’s criminal conduct.’ ” Id. at 480, 697 S.E.2d at 584 (quoting State v. Leonard, 292 S.C. 133, 137, 355 S.E.2d 270, 272 (1987)).

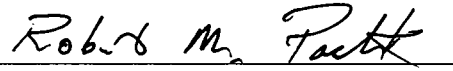
“ ‘Mere presence at the scene is not sufficient to establish guilt as an aider or abettor.’ ” Mattison, 388 S.C. at 480, 697 S.E.2d at 584 (quoting Leonard, 292 S.C. at 137, 355 S.E.2d at 272).

The State failed to show anything beyond mere suspicion in appellant’s case. It failed to show appellant had knowledge of the principal’s criminal conduct. Appellant’s mere presence was insufficient to establish guilt. The State has not shown that appellant did anything wrong.

CONCLUSION

A directed verdict should be granted in appellant's favor.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert M. Pachak", written over a horizontal line.

Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT.

This 6th day of August, 2013.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Final Reply Brief of Appellant complies with Rule 211(b), SCACR, and the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

August 6, 2013

Robert M. Pachak

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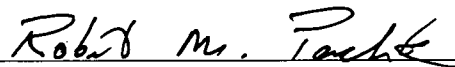
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CERTIFICATE OF SERVICE

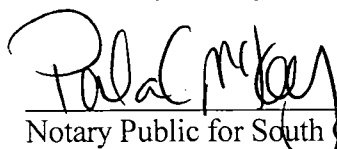
The undersigned attorney hereby certifies that a true copy of the Final Reply Brief of Appellant in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 6th day of August, 2013.



Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me
this 6th day of August, 2013.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: July 24, 2022.