

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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**ORIGINAL**

Certiorari to Chesterfield County

Honorable Roger E. Henderson, Circuit Court Judge

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**RECEIVED**

MAR 25 2019

THE STATE,

RESPONDENT, **SC SUPREME COURT**

V.

SAMUEL EDWARD ALEXANDER, JR.,

PETITIONER

APPELLATE CASE NO 2018-001884

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BRIEF OF PETITIONER

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TAYLOR D GILLIAM  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR PETITIONER

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## ISSUES PRESENTED

I. The Court of Appeals erred in affirming Petitioner's conviction and sentence, when no substantial circumstantial evidence was offered by the State to prove all of the necessary elements of grand larceny and instead the Court relied on an inference or presumption of fact that because Petitioner was in possession of recently stolen property, there existed enough evidence to submit the case to the jury.

II. The Court of Appeals err in affirming Petitioner's conviction and sentence, where the trial court charged the jury that possession of stolen property was enough to show a taking and carrying away of the property in a grand larceny case, where the charge was confusing and not based upon proper statutory language.

## STATEMENT

On April 21, 2015, Petitioner was indicted for grand larceny of goods valued between two thousand and ten thousand dollars. R. 101- 102. The indictment was subsequently amended to grand larceny of goods valued at over ten thousand dollars. Supplemental Record 1. Petitioner proceeded to trial before the Honorable Roger Henderson in Chesterfield County on February 18, 2016. R. 1. Tonya Copeland-Little represented Petitioner, and Mary Johnson-Lee appeared on behalf of the State.

The jury found Petitioner guilty as indicted, and Judge Henderson sentenced him to the maximum sentence of ten years. R. 100 ll. 10 – 13.

On July 25, 2018, the South Carolina Court of Appeals affirmed Petitioner's conviction and sentence. State v. Alexander, Op. No. 335 (S.C. Ct. App. filed July 25, 2018). App. 1 – 3. Petitioner filed a petition for rehearing on August 9, 2018. App. 4 – 7. The Court of Appeals issued an Order denying the petition for rehearing on September 20, 2018.

A petition for writ of certiorari to the South Carolina Court of Appeals was filed on October 22, 2018. The State made its Return on or about November 21, 2018. This Court granted certiorari on February 1, 2019.

This Brief of Petitioner follows.

### STANDARD OF REVIEW

“A case should be submitted to the jury when the evidence is circumstantial ‘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.’” State v. Bostick, 392 S.C. 134, 139, 708 S.E.2d 774, 776 (2011) (quoting State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000)). “Evidence must constitute positive proof of facts and circumstances which reasonably tends to prove guilt.” Id. “Unless there is a total failure of competent evidence as to the charges alleged, refusal by the trial judge to direct a verdict of acquittal is not error.” Id. at 139, 708 S.E.2d at 776-777. “On appeal of the denial of a directed verdict of acquittal, this Court must look at the evidence in the light most favorable to the state.” Id. at 139, 708 S.E.2d at 777; see also State v. Hepburn, 406 S.C. 416, 429 753 S.E.2d 402, 409 (2013). If the state failed to present any direct evidence or any substantial circumstantial evidence reasonably tending to prove guilt of the accused, the appellate court must reverse the lower court’s denial of the directed verdict motion. Hepburn, 406 S.C. at 416, 429 S.E.2d at 409.

“The standard for review of an ambiguous jury instruction is whether there is a reasonable likelihood that the jury applied the challenged instruction in a way that violates the Constitution.” State v. Aleksey, 343 S.C. 20, 27, 538 S.E.2d 248, 251 (2000). In reviewing jury charges for error, appellate courts consider the trial court's jury charge as a whole and in light of the evidence and issues presented at trial. State v. Brandt, 393 S.C. 526, 549, 713 S.E.2d 591, 604 (2011). “To warrant reversal, a [trial] court's refusal to give a requested jury charge must be both erroneous and prejudicial to the defendant.” State v. Simmons, 384 S.C. 145, 178, 682 S.E.2d 19, 36 (Ct. App. 2009). “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.

## ARGUMENT

**I. The Court of Appeals erred in affirming Petitioner's conviction and sentence, when no substantial circumstantial evidence was offered by the State to prove all of the necessary elements of grand larceny and instead the Court relied on an inference or presumption of fact that because Petitioner was in possession of recently stolen property, there existed enough evidence to submit the case to the jury.**

### Relevant facts

In October 2014, Amanda Stephens loaded her belongings into a trailer in preparation for travel. R. 17, l. 16 – R. 23, l. 18. After noticing that her belongings and the trailer were missing the following morning, she contacted law enforcement. Id.

None of the ten witnesses who testified on behalf of the State, six of which were members of law enforcement, offered any evidence, direct or circumstantial, that Petitioner was involved in the felonious taking and carrying away of Amanda Stephens' goods. In fact, Julius Butler, Petitioner's friend who was charged in this case as well, testified that Petitioner told him that he bought it from an auction. R. 48 l. 24 – R. 49, l. 19; R. 55 ll. 11 – 19.

After the State rested, Petitioner "move[d] for a directed verdict ... on the charge of grand larceny" because "[t]he State has failed to offer any competent evidence standing true to that charge." R. 67, ll. 18 – 25. Petitioner correctly noted that the State "certainly offered evidence of possession of stolen goods," but there was no evidence which established that Petitioner was present at the home where the goods were taken. Id.

In response, the State cited testimony of Butler, and suggested that because Petitioner drove the trailer to Butler's home, the matter should be submitted to the jury. R. 68, ll. 1 – 9. The State remarked, "[o]bviously, we've presented more than enough evidence to show that he

was in possession of it, evidence that he actually pulled the trailer to Mr. Butler's home so we think that, that's clearly a jury question for them to decide whether or not we met the burden of proof for them to find him guilty." Id. Notably, this response only addressed the possession and failed to substantiate how the State might have proven the taking requirement of grand larceny.

The trial court concluded that there was "certainly substantial circumstantial evidence" such that "it's certainly a jury question at this point" and thereby denied the motion. App. 68 ll. 10 – 15. Petitioner's motion was renewed and likewise denied. R. 90, l. 23 – R. 91, l. 6.

### Discussion

The asportation requirement was made known to the jury within the first few seconds of Petitioner's trial, before a jury was even selected, when the trial judge recited the indictment. R. 5, ll. 7 – 19. The grand jury indicted Petitioner with grand larceny and charged that he "[took] and carried away the personal goods of Amanda Stephens." R. 102. Similarly, the opening seconds of the State's closing argument contained a description of grand larceny:

Obviously, larceny means stealing something, **taking** away something that doesn't belong to you. Grand larceny means the **taking** and carrying away property that belongs to somebody else with the intent to deprive the actual owner of their possessions.

R. 72, ll. 2 – 6. (emphasis added).

Larceny is the felonious taking and carrying away of the goods of another against the owner's will or without his consent. State v. Keith, 283 S.C. 597, 325 S.E.2d 325 (1985); State v. Brown, 274 S.C. 48, 260 S.E.2d 719 (1979). To make out the offense of larceny, there must be a felonious purpose. State v. Williams, 237 S.C. 252, 116 S.E.2d 858 (1960). The taking must be done *animo furandi*-with a view of depriving the true owner of his property and converting it to the use of the offender. Id.

'The 'corpus delicti' in larceny consists of two elements—the loss of the property by the owner and the loss by a felonious taking.' State v. Roof, 196 S.C. 204, 12 S.E.2d 705 (1941); and generally speaking, the term 'corpus delicti' means, when applied to any particular offense, that the specific crime has actually been committed, State v. Gillis, 73 S.C. 318, 53 S.E. 487 (1906).

During Petitioner's trial, a total of ten witnesses testified for the prosecution. None of those witnesses offered evidence that Petitioner took or carried away the goods in question. Stephens did not know Petitioner and had not seen him before trial. R. 23, ll. 19 – 22. He would not have had any reason to go by her house. R. 23, ll. 23 – 24. Therefore, at least one element of grand larceny was not present, and the Court should have directed a verdict in Petitioner's favor.

When a case is built wholly on circumstantial evidence, if the State fails to produce substantial circumstantial evidence the defendant committed a particular crime, he is entitled to a directed verdict. State v. Odems, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011). "The trial court should grant a directed verdict motion when the evidence presented merely raises a suspicion of guilt." State v. Bostick, 392 S.C. 134, 142, 708 S.E.2d 774, 779 (2011). The State has the burden of proving "the accused was at the scene of the crime when it happened and that he committed the criminal act". State v. Schrock, 283 S.C. 129, 133, 322 S.E.2d 450, 452 (1984). "The [trial] court should not refuse to grant the motion where the evidence merely raises a suspicion that the accused is guilty." State v. Mitchell, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000).

None of the ten witnesses who testified on behalf of the prosecution offered any evidence which placed Petitioner at or near Stephens' home. Petitioner readily admitted to being in possession of Complainant's belongings, but the record does not include any evidence, from law

enforcement or otherwise, which indicates that Petitioner was the individual who stole Complainant's belongings and was thereby even potentially guilty of grand larceny.

In State v. Arnold, this Court held fingerprint evidence placing Arnold with the victim on the day of the murder was not substantial and merely raised a suspicion of Arnold's guilt. 361 S.C. 386, 390, 605 S.E.2d 529, 531 (2004). In Arnold, the decedent was discovered off a dirt road in Colleton County. Id. at 388, 605 S.E.2d at 530. The decedent was last seen alive three days earlier, when he borrowed a friend's BMW to go to a dentist appointment. Id. One of the State's witnesses testified he had introduced the decedent to Arnold. Id. The witness indicated he had received a message from Arnold to call him at a phone number belonging to Arnold's father, who lived in Gray, Tennessee. Id. at 389, 605 S.E.2d at 530. The borrowed BMW was later found in a parking lot in Johnson City, Tennessee, approximately ten miles away from where Arnold's father lived. Id. The BMW had unspecified scratches on it, and a coffee cup lid containing Arnold's fingerprint was found in the car's center console. Id. In concluding that the circumstantial evidence presented by the State was not sufficient to overcome a directed verdict motion, the court reasoned:

Viewing the evidence most favorably to the State, [Arnold]'s fingerprint on the coffee cup lid tab establishes he was in the borrowed BMW on the same day the victim was last seen alive. The fact that the BMW was found abandoned in Tennessee, the same state where [Arnold] was located after his stay in Savannah, raises a suspicion of guilt but is not evidence that [Arnold] killed [the victim]. Further, there is no evidence [Arnold] was **at the scene of the crime**, which according to the State's theory was in Colleton County.

Id. at 390, 605 S.E.2d at 531 (footnote omitted) (emphasis added).

Similar holdings can be found in Bostick and Odems, supra. In Petitioner's case, multiple witnesses testified that Petitioner was only in possession of stolen property; no evidence was offered which placed Petitioner at the scene of the crime. Therefore, no evidence existed

pertaining to the taking or carrying away of Complainant's property. Petitioner even admitted to being in possession of Complainant's property the month following the theft, which could induce a suspicion of guilt had Petitioner been charged with possession of stolen property. However, he was charged with grand larceny, and there was no evidence which placed Petitioner at the scene of the crime. Due to the non-existence of evidence indicating that Petitioner took or carried away Complainant's property, the jury should not have received the case because it could not have reasonably inferred guilt as to all elements of the grand larceny charge.

This matter can be distinguished from State v. Lynch, 412 S.C. 156, 771 S.E.2d 346 (Ct. App. 2015). In Lynch, the defendant was charged with grand larceny after being stopped for speeding in Texas while driving a Ford Focus registered to Portia Washington. Id. at 164, 771 S.E.2d at 350. The car was later found near a Greyhound bus station in Seattle with the license plates removed. Id. at 166, 771 S.E.2d at 351. In affirming the trial court's decision to deny the motion for a directed verdict, the South Carolina Court of Appeals held that "Lynch later admitted that he took Portia's car without her permission." Id. at 172-3, 771 S.E.2d at 355.

Petitioner never admitted to taking Stephens' trailer and belongings, and law enforcement officers never elicited a confession. Additionally, there was no substantial evidence of Petitioner's guilt.

When the evidence submitted raises a mere suspicion that the accused is guilty, a directed verdict should be granted because suspicion implies a belief of guilt based on facts or circumstances which do not amount to proof. State v. Hepburn, 406 S.C. 416, 429, 753 S.E.2d 402, 409 (2013). Even in the light most favorable to the State, there is no evidence which indicates that Petitioner took or carried out property from Stephens' home. A jury therefore could not have found Petitioner guilty of grand larceny beyond a reasonable doubt.

Additional recent jurisprudence can be distinguished from Petitioner's case. Unlike State v. Bennett, 415 S.C. 232, 781 S.E.2d 352 (2016), Petitioner's whereabouts were not placed at the scene and no fingerprints or blood were located at Stephens' property. Contrary to the facts in State v. Condrey, 329 S.C. 184, 562 S.E.2d 320 (Ct. App. 2002), Petitioner did not work for Stephens and was not shown to be near her property.

To hold that being in possession of recently stolen goods can be tantamount to grand larceny removes one of the necessary elements of the latter crime and absolves the State of any shortcomings in its evidence. Otherwise the charge of possessing stolen property is indistinguishable from grand larceny as long as the goods were recently stolen. No evidence was offered to prove that Petitioner stole the trailer from Stephens' property: no witnesses testified accordingly, and no surveillance footage was offered. Petitioner was in possession of a trailer of goods he had purchased from an auction house.

Petitioner was overcharged by the State; the circuit court erred in failing to direct a verdict in Petitioner's favor, and the Court of Appeals erred in affirming the trial court.

**II. The Court of Appeals err in affirming Petitioner’s conviction and sentence, where the trial court charged the jury that possession of stolen property was enough to show a taking and carrying away of the property in a grand larceny case, where the charge was confusing and not based upon proper statutory language.**

The trial judge instructed the jury with the law surrounding grand larceny:

The State must prove beyond a reasonable doubt that the defendant took and carried away the property of another against the will or without the consent of the other person. The slightest removal of the property or the **complete possession of the property even for an instant by the defendant is enough to show a taking and carrying away of the property.**

R. 88, l. 3 – 10. (emphasis added).

Defense counsel objected to this instruction. R. 90, ll. 7 – 12. Defense counsel explained, “it sounds confusing. It makes it sound as if merely being in possession of the property is proof that ... he stole the property.” R. 90, ll. 7 – 12. The trial judge disagreed and found “this language is appropriate based on the language in the statute for grand larceny.” R. 90, ll. 13 – 17. The statute, as cited by the trial judge at the beginning of the trial reads as follows:

(A) Simple larceny of any article of goods, choses in action, bank bills, bills receivable, chattels, or other article of personalty of which by law larceny may be committed, or of any fixture, part, or product of the soil severed from the soil by an unlawful act, or has a value of two thousand dollars or less, is petit larceny, a misdemeanor, triable in the magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65. Upon conviction, the person must be fined not more than one thousand dollars, or imprisoned not more than thirty days.

(B) Larceny of goods, chattels, instruments, or other personalty valued in excess of two thousand dollars is grand larceny. Upon conviction, the person is guilty of a felony and must be fined in the discretion of the court or imprisoned not more than:

- (1) five years if the value of the personalty is more than two thousand dollars but less than ten thousand dollars;
- (2) ten years if the value of the personalty is ten thousand dollars or more.

S.C. Code Ann. § 16-13-30. This statute was last amended in 2010.

### **Discussion**

The trial court's jury charge contained a burden-shifting instruction which the jury relied on as an accurate and perhaps conclusive presumption. The larceny statute does not include language indicating "complete possession of the property even for an instant is enough to show a taking and carrying away" as the trial court stated. Counsel has searched for relevant and binding authorities which include that language and has found only one. Collins v. Cartledge, No. 2:14CV1200-BHH-WWD, 2014 WL 8396824, at \*11 (D.S.C. Nov. 14, 2014), report and recommendation adopted, No. CIV.A. 2:14-1200-BHH, 2015 WL 1518144 (D.S.C. Mar. 30, 2015). In that instance, the issue of jury instruction was not raised during PCR and was therefore procedurally barred. Outside of that case, counsel found no South Carolina state or binding federal sources containing language indicating that the slightest removal of the property or the complete possession of stolen property even for an instant was sufficient to show a taking.

This Court has consistently disapproved instructions in larceny prosecutions which place the burden on the defendant to explain how he came into possession of recently stolen goods. State v. Gaines, 271 S.C. 65, 244 S.E.2d 539 (1978). Conclusive presumptions "conflict with the overriding presumption of innocence with which the law endows the accused and which extends to every element of the crime," Morissette v. United States, 342 U.S. 246, 275, 72 S.Ct. 240, 255, 96 L.Ed. 288 (1952), and they "invad[e the] factfinding function," United States Gypsum Co., 438 U.S. 442, 446, 98 S.Ct. 2864, 2878, 57 L.Ed.2d 854 (1978), which in a criminal case

the law assigns to the jury. Sandstrom v. Montana, 442 U.S. 510, 510, 99 S. Ct. 2450, 2452, 61 L. Ed. 2d 39 (1979).

Two older cases, both cited in the Court of Appeals opinion in Petitioner's case, stand for the presumption that "where one is found in possession of recently stolen property, a rebuttable inference or presumption of fact arises that he is the thief." State v. Dewitt, 254 S.C. 527, 530, 176 S.E.2d 143, 145 (1970). Dewitt was overruled "insofar as it permits the use of" the terms "rebuttable" and "reasonable explanation" which "may too easily be taken by the jury as requiring the defendant to personally rebut or explain." State v. Cooper, 279 S.C. 301, 302, 306 S.E.2d 598, 599 (1983).

Dewitt held: "The foregoing inference is one of fact and not of law. It is evidentiary in nature and not conclusive. Upon the proof of possession of recently stolen goods, the law permits the inference of guilt unless the jury finds a reasonable explanation of such possession from all of the evidence presented at trial." Dewitt at 530, 176 S.E.2d at 145. "[T]his presumption is to be considered by the jury merely as an evidential fact, along with the other evidence in the case, in determining whether the State has carried the burden of satisfying the jury beyond a reasonable doubt of the defendant's guilt." Id.

This presumption was not explained in detail during the trial court's jury instructions. There was no distinction between the merely circumstantial nature of the presumption and the substantial circumstantial requirement to warrant a directed verdict. "The force and weight to be accorded the inference should be left to the jury to determine under all of the facts and circumstances in evidence, the burden resting upon the State throughout the trial to prove guilt beyond a reasonable doubt." Id. at 531, 176 S.E.2d at 145.

In overruling Dewitt “insofar as it permit[ted] the use of” terms such as “rebuttable” or requiring a “reasonable explanation,” this Court held that “[t]he fact that defendants are found in possession of recently stolen property should be characterized **merely as an evidentiary fact**” and “the fact of possession is **merely circumstantial evidence of guilt and should be charged as such.**” Cooper, supra, 279 S.C. 301, 301, 306 S.E.2d 598, 599. (emphasis added).

The word “merely” was only uttered twice during Petitioner’s trial: once during defense counsel’s objection and once during introductory remarks by the court. R. 6, l. 25; R. 90, l. 10. The trial court failed to instruct the jury with the proper version of the law and instead of checking the statute or its citing references, proceeded with a confusing charge that led to Petitioner’s conviction.

The Due Process Clause of the Fourteenth Amendment “protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged.” In re Winship, 397 U.S., at 364, 90 S.Ct., at 1073. This “bedrock, ‘axiomatic and elementary’ [constitutional] principle,” id., at 363, 90 S.Ct., at 1072, prohibits the State from using evidentiary presumptions in a jury charge that have the effect of relieving the State of its burden of persuasion beyond a reasonable doubt of every essential element of a crime. Sandstrom v. Montana, supra, at 520-524, 99 S.Ct., at 2457-2459; Patterson v. New York, 432 U.S. 197, 210, 215, 97 S.Ct. 2319, 53 L.Ed.2d 281 (1977); Mullaney v. Wilbur, 421 U.S. 684, 698-701, 95 S.Ct. 1881, 1889-1890, 44 L.Ed.2d 508 (1975); see also Morissette v. United States, 342 U.S. 246, 274-275, 72 S.Ct. 240, 255, 96 L.Ed 288 (1952). The prohibition protects the “fundamental value determination of our society,” given voice in Justice Harlan’s concurrence in Winship, that “it is far worse to convict an innocent man than to

let a guilty man go free.” 397 U.S., at 372, 90 S.Ct., at 1077. See Speiser v. Randall, 357 U.S. 513, 525-526, 78 S.Ct. 1332, 1341-1342, 2 L.Ed.2d 1460 (1958).

Based on the trial court’s charge, complete possession of stolen goods the month after the theft is tantamount to taking and carrying away. The logic behind this jury instruction fails to account for the intervention or involvement of a third party. Possession is simply not synonymous with a taking. The given instruction is not an accurate portrayal of the law and as such, the Court of Appeals should have reversed the trial court.

Generally, the trial judge is required to charge only the current and correct law of South Carolina. State v. Burkhart, 350 S.C. 252, 565 S.E.2d 298 (2002); State v. Shuler, 344 S.C. 604, 545 S.E.2d 805 (2001); Clark v. Cantrell, 339 S.C. 369, 529 S.E.2d 528 (2000); Cohens v. Atkins, 333 S.C. 345, 509 S.E.2d 286 (Ct.App.1998); see also State v. Buckner, 341 S.C. 241, 534 S.E.2d 15 (Ct.App.2000) (holding jury charge is proper if, as a whole, it is free from error).

“An erroneous presumption on disputed element of the crime renders irrelevant the evidence on the issue, because the jury may have relied upon the presumption rather than upon that evidence.” Connecticut v. Johnson, 460 U.S. 73, 85, 103 S. Ct. 969, 976–77, 74 L. Ed. 2d 823 (1983). To warrant reversal, a trial judge's refusal to give a requested jury charge must be both erroneous and prejudicial to the defendant. State v. Harrison, 343 S.C. 165, 539 S.E.2d 71 (Ct.App.2000); see also Priest v. Scott, 266 S.C. 321, 223 S.E.2d 36 (1976) (in general, an alleged error in a portion of a charge must be considered in light of the whole charge, and must be prejudicial to the appellant to warrant a new trial).

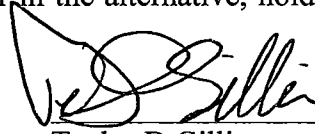
As noted above, the charged language does not appear to come from a primary, binding source within the state. Perhaps it originated in a General Sessions bench book, but the law as provided to the jury was inaccurate, and Petitioner’s convictions cannot be upheld.

Petitioner was prejudiced by the trial court's inaccurate and misleading charge. The State was not forced to prove every fact necessary to constitute the crime charged beyond a reasonable doubt. The jury may have found proof of possession, but there were insufficient facts to establish the taking and carrying away. Petitioner is not guilty of grand larceny under the law based on the evidence provided at trial.

The trial judge referred to substantial circumstantial evidence, but the possession of recently stolen goods was "merely circumstantial" and not mentioned by the State during directed verdict arguments. R. 68, ll. 10 – 15.

**CONCLUSION**

Petitioner respectfully requests that this Court reverse the Court of Appeals and hold that Petitioner was entitled to a directed verdict, or in the alternative, hold that the jury instructions were not based upon statutory language.

A handwritten signature in black ink, appearing to read "Taylor D Gilliam", written over a horizontal line.

Taylor D Gilliam  
Appellate Defender

ATTORNEY FOR PETITIONER

This 25th day of March, 2019.

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Chesterfield County

Honorable Roger E. Henderson, Circuit Court Judge

THE STATE,

RESPONDENT,

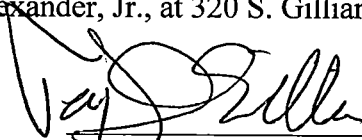
V.

SAMUEL EDWARD ALEXANDER, JR.,

PETITIONER

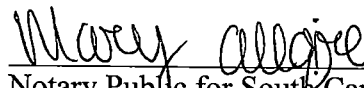
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Brief of Petitioner in the above referenced case has been served upon Joshua A. Edwards, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Brief of Petitioner have been served on Samuel E. Alexander, Jr., at 320 S. Gilliard St., , Florence, SC 29506, this 25th day of March, 2019.



Taylor D Gilliam  
Appellate Defender  
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me  
this 25th day of March, 2019.

 (L.S)  
Notary Public for South Carolina  
My Commission Expires: May 12, 2027