ORIGINAL

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DILLON COUNTY
William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2014-002714

THE STATE, ...RESPONDENT

v.

DAEVON HEZZIE WILLIAMS,.....APPELLANT.

FINAL BRIEF OF RESPONDENT

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RESPONDENT'S STATEMENT OF ISSUE ON APPEAL

1. Whether the trial court properly denied Appellant's motion for a directed verdict where the State presented direct and substantial circumstantial evidence from which the jury could fairly and logically find Appellant guilty of committing grand larceny.

STATEMENT OF THE CASE

Daevon Hezzie Williams (Appellant) was indicted by the grand jury of Dillon County for burglary in the second degree (2014-GS-17-0641) and grand larceny greater than $2,000 but less than $10,000 (2014-GS-17-0642). He was represented by Nathan Scales, Esquire, of the Fourth Circuit Public Defender's Office. (R.p.1). The State was represented by Assistant Attorney Generals Jason S. Anders and Ashley A. McMahan of the South Carolina Office of the Attorney General. On December 8, 2012, Appellant proceeded to trial by jury pursuant to which he was found guilty of grand larceny, but was acquitted of second-degree burglary. He was sentenced by the Honorable William H. Seals, Jr., to five (5) years' imprisonment. (R.90-p.95). Appellant timely filed a notice of intent to appeal his conviction and sentence and subsequently submitted a Brief in support of his appeal. This Brief of Respondent follows.

STATEMENT OF FACTS

On March 27, 2012, someone broke into Brenda Arnette's (Victim's) home, took several items of her personal property including a laptop computer, jewelry, and a coin collection, and carried them away without her consent. Appellant was later charged with second-degree burglary and grand larceny and was taken to trial by jury for the crimes. (R.p.1; p.24-p.33; p.36-p.37). Following voir dire and jury selection, the trial court heard pretrial motions. (R.p.1-p.5 & p.8). Appellant made a motion to dismiss the grand larceny charge "based on the fact that the conduct does not match the crime." He explained that a "content inventory summary" completed by State Farm, the victim's insurance carrier, showed a cash value for the stolen items of $1,229.67 and a total settlement of $1,899.67, and argued that since both amounts failed to meet the $2,000 threshold under the statute, the grand larceny charge should be dismissed. The trial court denied the motion but advised Appellant he could raise it again at the directed verdict stage. (R.p.9, line 16-p.10, line 13).

The trial court then gave brief preliminary instructions to the jury, which included a charge on its exclusive role to determine the facts of the case and the credibility of the witnesses. (R.p.11-p.14). The State gave an opening statement acknowledging it had the burden of proving Appellant carried away the victim's personal property valued between $2,000 and $10,000. (R.p.14-p.16). Appellant then presented a theory of defense in which he acknowledged he was in possession of the items taken but argued this did not make him a burglar or make him guilty of grand larceny. (R.p.16-p.18).

Next, the State presented its case. First, Bryan Burkett took the stand. Burkett is a pawn broker and was operating a pawnshop in Darlington in March of 2012. He described Appellant as a "customer" of the store. Burkett explained he had met Appellant before and that at some point in March of 2012, Appellant came into the store. He identified a pawn broker's ticket,

which was entered into evidence without objection. The ticket was created at 10:38 a.m. on March 28, 2012, and showed that the store purchased 9.5 grams of gold in the form of a necklace, a bracelet, and a cross charm, for $80. Burkett identified Appellant's signature on the ticket and made an in-court identification of Appellant as the person who had signed it. (R.p.18-p.23).

Next, the State called Victim to the stand. On March 27, 2012, she was at a meeting and received a phone call from her neighbor saying the back door to her house was left open. She asked him to take a closer look and he called back to say it was not just open but had actually been broken. Victim called Chief McDaniels of the Lakeview Police Department to report the break-in and then went to meet Chief McDaniels and her neighbor at the house. She explained that her son Daryl lived with her at the house. Victim discovered that many items of personal property were missing from the home, including her laptop, several necklaces, rings, earrings and bracelets, her wedding band, and a coin collection. She noticed several particular items were missing but could not remember every single thing stolen. In fact, she did not realize one necklace had been taken until she later saw it at the pawnshop. Victim identified a receipt for the stolen wedding band and it was admitted into evidence without objection. She then identified an inventory sheet she submitted to State Farm which listed the items she initially believed had been stolen. She acknowledged the inventory sheet did not list the bracelet, necklace, and cross charm because when she completed the form she did not realize they were missing. Victim testified the total cost to replace all of the stolen items was approximately $3,449.92. She then testified that although she knew Appellant from church she had never seen him around her home, had never given him permission to be in her home, and had never given him any items from her home to take to the pawnshop on her behalf. (R.p.24-p.33; p.36-p.37).

The State then called Ronald Conyers to the stand. Conyers worked at the I.G.A. grocery store in Lakeview and personally knew Appellant. He testified that on March 29, 2012, while he was at work, Appellant approached him and gave him an old coin. (R.p.38-p.41). Next, Brian Ammons took the stand. Ammons was a cashier at the "Save A Coin" convenience store in Lakeview. He testified he had seen Appellant in the store before and knew him but did not know his name. Ammons explained that in March of 2012 Appellant came into the store and tried to sell him some old coins. Ammons noted this was out of the ordinary and that he had never seen Appellant with old coins before. Ammons testified that a day or two later he saw Daryl Arnette in the store and during their conversation learned he had some old coins stolen from his house. Ammons told Daryl he had recently seen someone in the store with old coins and gave a description. (R.p.41-p.44).

Daryl Arnette (Daryl) then took the stand. He confirmed he was living with his mother in Lakeview in March of 2012. Daryl said he knew Appellant from having seen him around town and remembered learning of the break-in on March 27, 2012. He testified that the morning after the break-in he was in the "Save A Coin" telling Ammons what happened and learned somebody had come into the store with some old coins. Daryl went to the police station to report this information to Chief McDaniels and then drove by the I.G.A. where he saw a car matching the description he had been given by Ammons. He went into the I.G.A. and encountered Appellant wearing one of his t-shirts. Daryl claimed it was a very unusual t-shirt he did not even realize was missing from the house until he saw it on Appellant. He explained he got the t-shirt from a car show in Duluth, Georgia, and that the only way to get such a shirt was to participate in the car show. When Daryl confronted Appellant about the shirt Appellant claimed he had just gotten

it. Daryl testified he never gave Appellant any of his mother's possessions to take to the pawnshop, and he never gave Appellant permission to enter his mother's home. (R.p.45-p.50).

Finally, the State called Lakeview Police Chief James McDaniels to the stand. He testified he and one of his young officers who is no longer with the police department investigated the incident at Victim's house. They were able to get some fingerprints from the scene but the prints were not sufficient to identify anyone. Chief McDaniels confirmed there were no eyewitnesses to the break-in but testified they checked local pawnshops and were able to find some of the stolen items. He testified Victim provided him with a list of the stolen property and its estimated value, which came to an overall dollar amount of $2,501. (R.p.52-p.57).

After the State rested, the jury was excused and Appellant was questioned about his right to testify. (R.p.60-p.64). Appellant then moved for a directed verdict. He argued the State's evidence merely raised a suspicion of guilt and that the State had presented absolutely no evidence to meet the elements of the crimes. Appellant went on to argue that his mere possession of the items did not amount to proof he was guilty of either burglary or grand larceny, and that he also should be granted a directed verdict on the grand larceny charge because the items stolen did not meet the $2,000 monetary requirement in the statute. (R.p.64-p.65). The State properly noted that at the directed verdict stage the trial court was not interested in the weight of the evidence but merely the existence of evidence and referenced case law supporting the proposition that the jury may infer guilt from possession of recently stolen property. The solicitor further noted Victim had provided evidence that the replacement value of the stolen items was over $2,000. (R.p.66-p.67). Ultimately, the trial court ruled as follows:

> There doesn't appear to be any direct evidence or not much anyway. But, anyway, he did allegedly, based on the testimony, pawn the stolen items the very next day. Allegedly he had these

> two old coins that he tried to trade with somebody, and they identified the defendant as well.
>
> And, furthermore, I believe Mr. Arnette caught him with his t-shirt on on the street and confronted him with that as well. So I think there is enough circumstantial evidence to make it substantial to send it to a jury.
>
> As far as your grand larceny goes as I understand your argument I appreciate your argument, but the value goes up and down. So that would be an excellent argument to make to the jury but not to me. I'm going to go ahead and send both counts to the jury. All right.

(R.p.67, lines 10-25).

Appellant chose not to call any witnesses in his defense and renewed his motion for a directed verdict. The motion was again denied and the defense rested. (R.p.68). The trial court then charged the jury on the law, which included instructions on the burden of proof, the presumption of innocence, reasonable doubt, and direct and circumstantial evidence. The court also charged the jurors that they were the sole and exclusive judges of the facts and that their duty was to determine the credibility and believability of the witnesses. The court further charged the elements of the offenses and in regard to grand larceny specifically noted: "The State must prove that the value of the things taken was $2,000 or more." (R.p.69-p.81). Following closing arguments, deliberations, jury questions, an Allen charge, and further deliberations, the jury convicted Appellant of grand larceny but acquitted him of second-degree burglary. The trial judge sentenced Appellant to five years' imprisonment. (R.p.81-p.95; SROA.p.1-2).

ARGUMENT

The trial court properly denied Appellant's motion for a directed verdict where the State presented direct and substantial circumstantial evidence from which the jury could fairly and logically find Appellant guilty of committing grand larceny.

Appellant contends the trial court erred in denying his motion for a directed verdict on the grand larceny charge for two reasons. First, he argues the State did not present substantial circumstantial evidence that he entered Victim's home and took away the items that were missing and instead only presented evidence that raised a suspicion of his guilt. Second, Appellant argues the State never proved the value of the items stolen was more than $2,000. Relying in part on State v. White, 382 S.C. 265, 676 S.E.2d 684 (2009), Appellant contends that where the evidence varied in regard to the value of the stolen property, that evidence was not reliable and the trial judge "did not perform his role as gatekeeper of the reliability of the evidence." (Brief of Appellant, p.12). The State disagrees and submits Appellant's arguments are without merit.

Substantial circumstantial evidence was presented from which the jury could find Appellant guilty of each element of grand larceny, based on the natural and logical inferences to be drawn from the evidence. There was no dispute that Victim's house was burglarized and that the burglar or someone else carried away items of Victim's personal property without her consent. The State presented evidence that Appellant was in recent possession of some of the stolen property, a fact acknowledged in his opening statement. The State also presented testimony that the total value of the stolen property exceeded $2,000. These pieces of circumstantial evidence constituted strong evidence of Appellant's guilt of grand larceny. Accordingly, viewing the evidence in a light most favorable to the State and focusing on the existence of evidence rather than its weight, the trial judge correctly denied the directed verdict

motion and submitted the case to the jury to allow for proper resolution of any factual disputes created by the evidence and testimony. Appellant's conviction should be affirmed.

Standard of Review

In criminal cases, the appellate court sits to review errors of law only. State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001). On appeal from the denial of a directed verdict, the appellate court must view the evidence and all reasonable inferences in the light most favorable to the State. State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, the appellate court must find the case was properly submitted to the jury. Weston, 367 S.C. at 292-93, 625 S.E.2d at 648; State v. Cherry, 361 S.C. 588, 593-94, 606 S.E.2d 475, 477-78 (2004). The appellate court may only reverse the trial judge's denial of a directed verdict motion if there is no evidence supporting the trial judge's ruling or if the ruling is based on an error of law. State v. Gaster, 349 S.C. 545, 555, 564 S.E.2d 87, 92 (2002); State v. Dantonio, 376 S.C. 594, 603, 658 S.E.2d 337, 342 (Ct. App. 2008). Indeed, "unless there is a total failure of evidence tending to establish the charge laid in the indictment, the trial judge's ruling upon a motion for a directed verdict must stand absent an error of law." State v. Nix, 288 S.C. 492, 496, 343 S.E.2d 627, 629 (Ct. App. 1986).

When ruling on a motion for a directed verdict, the trial court is concerned with the existence or non-existence of evidence, not its weight. State v. Curtis, 356 S.C. 622, 633, 591 S.E.2d 600, 605 (2004); State v. Condrey, 349 S.C. 184, 190, 562 S.E.2d 320, 323 (Ct. App. 2002). 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 of the crime 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 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, 237, 781 S.E.2d 352, 354 (2016). The reviewing court should affirm if in viewing the evidence in the light most favorable to the State, "the evidence could induce a reasonable juror to find [the defendant] guilty." See State v. Pearson, Op. No. 27612 (S.C. Sup. Ct. filed March 23, 2016) (Shearouse Adv. Sh. No. 12 at 23); see also State v. Richburg, 250 S.C. 451, 459, 158 S.E.2d 769, 772 (1968) ("When the evidence is susceptible of more than one reasonable inference, questions of fact must be submitted to the jury.").

Discussion / Analysis

Here, Appellant was indicted for second-degree burglary and grand larceny and was convicted of grand larceny. Larceny is the felonious taking and carrying away of the goods of another against the owner's will or without the owner's consent. State v. Mitchell, 382 S.C. 1, 5, 675 S.E.2d 435, 437 (2009); State v. Condrey, 349 S.C. at 191, 562 S.E.2d at 323. If the value of the goods unlawfully taken and carried away during a theft exceeds $2,000, the theft constitutes the felony offense of grand larceny. See S.C. Code Ann. § 16-13-30 (Supp. 2011) ("Larceny of goods, chattels, instruments, or other personalty valued in excess of two thousand dollars is grand larceny."). During Appellant's trial, the State presented substantial circumstantial evidence establishing Appellant's guilt for each element of grand larceny beyond a reasonable doubt. This evidence created factual questions regarding Appellant's guilt that could only be properly resolved by the jury. Based on the existence of the evidence in this case

along with the logical inferences of guilt to be drawn from that evidence, the trial court properly denied Appellant's directed verdict motion.

Taking and Carrying Away the Goods of Another Without Consent

In burglary and larceny cases, proof that the defendant was in recent possession of stolen property supports an inference that the defendant was the person who stole the property and creates a question of fact for the jury to resolve. State v. Lyles, 211.S.C. 334, 339, 45 S.E.2d 181, 183 (1947); State v. Williams, 350 S.C. 172, 175 n.6, 564 S.E.2d 688, 690 n.6 (Ct. App. 2002); see also State v. Cooper, 279 S.C. 301, 302, 306 S.E.2d 598, 599 (1983) (instructing that the inference to be drawn from recent possession of stolen property is an evidentiary fact as opposed to a rebuttable presumption and constitutes circumstantial evidence of guilt); State v. Campbell, 131 S.C. 357, 127 S.E. 439, 440-41 (1925) (holding that the trial judge properly submitted the charges for housebreaking and grand larceny to the jury where the State presented evidence that the defendant was in possession of the stolen property and noting that in burglary and larceny cases, recent possession of stolen property is an evidentiary fact that the jury can use to find guilt).

In State v. Mitchell, our Supreme Court held that the defendant was entitled to a directed verdict for a charge of burglary in the first degree. 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000). When the victim arrived at his home, he noticed that his beer was missing from his refrigerator. Id. at 408, 535 S.E.2d at 127. Six days later, the victim went into his spare room and noticed glass on the floor. Id. When the victim pushed the blinds back, he noticed a hole in the glass of his window, and the window was unlocked. Id. According to the victim, the defendant had been inside victim's home on a couple of occasions. Id. The defendant helped unload some furniture into victim's home. Id. In addition, the defendant attended a social

gathering at victim's home. Id. When the officer inspected the victim's home, he noticed there was no glass on the exterior of the house, but there was a fingerprint on the screen. Id. The fingerprint matched the defendant's fingerprint. Id. In finding that the defendant was entitled to a directed verdict for the burglary charge, our Supreme Court noted that the State failed to present any evidence on whether "the screen was on the window at the time the window was broken or when the screen had been removed." Id. at 409, 535 S.E.2d at 127. Further, "the fact that [the defendant's] fingerprint was on a screen that was propped up against the house does not prove entry where [defendant] had been in and around the victim's house at least three time prior to the burglary." Id. (emphasis added).

In State v. Gilliam, our Supreme Court held that the defendant was entitled to a directed verdict for a housebreaking charge and a grand larceny charge. State v. Gilliam, 245 S.C. 311, 315, 140 S.E.2d 480, 482 (1965). In reaching its conclusion, the Court noted:

> The evidence casts no light on whether the pane of glass was broken and the window unlatched from the outside in the nighttime or from the inside during business hours. The custodian of the stamps did not testify and no foundation was laid by evidence for an inference of theft from the fact that they were 'missing' from his desk. The unexplained presence of defendant's fingerprint on a fragment of the broken pane outside the building **might inculpate him** if the evidence established that the building was feloniously entered and by this means, which, as has been seen, it fails to do.

Id. at 315, 140 S.E.2d at 482 (emphasis added).

In this case, the trial judge properly denied Appellant's directed verdict motion because, unlike Mitchell and Gilliam, substantial evidence was presented establishing Appellant's guilt for each element of grand larceny. In regard to proof of larceny, this case is distinguishable from Mitchell and Gilliam because the State presented evidence that Appellant was in recent possession of the stolen property. See Campbell, 131 S.C. at 357, 127 S.E. at 440-41 (noting that

in burglary and larceny cases, recent possession of stolen property is an evidentiary fact that the jury can use to find guilt); State v. Miller, 287 S.C. 280, 284, 337 S.E.2d 883, 886 (1985) (finding Miller's recent possession of stolen property was "competent circumstantial evidence of larceny" and further finding the fact that Miller sold the stolen property for a fraction of its actual value supported the jury's guilty verdict). Indeed, viewed in the light most favorable to the State, the evidence here showed: (1) Victim's Lakeview home was burglarized on March 27, 2012, and various items of personal property were stolen including jewelry and a coin collection (R.p.24-p.33; p.36-p.37); (2) at 10:38 a.m. the day after the burglary, Appellant sold Victim's stolen necklace, bracelet, and cross charm to a pawnshop in Darlington (R.p.18-p.23); (3) two days after the burglary Appellant gave an "old coin" to an employee of the I.G.A. in Lakeview (R.p.38-p.41); (4) a day or two after the burglary, Appellant tried to sell some "old coins" to an employee of the "Save A Coin" convenience store in Lakeview (R.p.41-p.44); and (5) the day after the burglary, Victim's son entered the I.G.A. in Lakeview and discovered Appellant wearing a t-shirt that had been stolen from Victim's house (R.p.45-p.50).

Thus, there was evidence Appellant was in possession of several items of property recently stolen from Victim's home, including a necklace, a bracelet, a cross charm, old coins, and Daryl's t-shirt. Such evidence can lead to a reasonable inference that Appellant was the individual who took and carried the personal property away from Victim's house. To the extent Appellant contends he should have been granted a directed verdict because there was conflicting evidence, the State submits that issue goes to the credibility of the witnesses and therefore was properly left for determination by the jury. See State v. Pitts, 256 S.C. 420, 427, 182 S.E.2d 738, 742 (1971) ("A motion for a directed verdict of acquittal is properly refused where the determination of guilt is dependent upon the credibility of a witness, as this is a question that

goes to the weight of evidence and is clearly for determination by a jury."); see also State v. Strickland, 389 S.C. 210, 215, 697 S.E.2d 681, 684 (Ct. App. 2010) ("While we acknowledge that Wife testified Appellant came in and politely asked for the key to their trailer and did not address Victim, Father's contrary testimony created an issue of credibility and, at least, created a situation where the State produced enough evidence to survive a directed verdict motion.").

In regard to Appellant's reliance on State v. Odems, 395 S.C. 582, 720 S.E.2d 48 (2011), and State v. Bostick, 392 S.C. 134, 708 S.E.2d 774 (2011), which was cited therein, the State submits a comparison between the circumstantial evidence in Odems and the circumstantial evidence against Appellant supports the trial judge's ruling. In Odems, the evidence established Odems' cousins, the other men who fled into the woods after the traffic stop, both admitted guilt for committing the robberies. Although one cousin, Bell, refused to offer any testimony about Odems' involvement in the crimes or how Odems came to be in the vehicle connected to the incident shortly after the burglary was committed, his other cousin, Dawkins, attempted to shield Odems from any responsibility for the crimes through his trial testimony. Dawkins claimed he burglarized the victim's home with the assistance of Bell after they planned to commit the crime together, left the scene after stealing items from the victim's home, saw police officers who he believed had been alerted of the crime, stopped to refuel his vehicle at a gas station, encountered Odems while he was pumping gas into the car, and granted a ride to Odems before being stopped and later arrested. Odems at 588, 720 S.E.2d at 51. Here, there was no evidence presented during the State's case that any specific individual other than Appellant committed the crimes.

Also in Odems, a forensic investigator was able to collect fingerprints from the scene of the burglary, and those fingerprints matched the two men who confessed, but not Odems. Here, investigators found fingerprints at the scene of the burglary that were insufficient to identify

whether they came from Appellant or someone else. In Odems, the State relied on a familial relationship between the confessors and Odems to argue he participated in the burglary. Here, the State made no such argument in regard to Appellant. In Odems, the evidence presented an explanation for Odems' flight from the police other than his guilt of the burglary. Here, there is no evidence to explain Appellant's possession of the stolen items except for the reasonable inference that he was guilty. Appellant's possession of the stolen property one day after it was stolen, combined with his selling, attempting to sell, and wearing that stolen property, when viewed in a light most favorable to the State, was sufficient to send the case to the jury to determine whether Appellant committed larceny.

Appellant also argues that because the jury acquitted him of second degree burglary, it did not believe the State's evidence that he entered the home, and therefore he also could not have taken items from the home and should have been granted a directed verdict on the grand larceny charge. (Brief of Appellant, p.11). However, the rule against inconsistent verdicts has been abolished in South Carolina. State v. Alexander, 303 S.C. 377, 401 S.E.2d 146 (1991). The verdict on the burglary charge has no bearing on the propriety of the trial court denying Appellant's request for a directed verdict on the grand larceny charge.

Value of Stolen Property

In prosecutions for grand larceny, proof of the value of the property stolen is an essential element of the State's case. State v. Brown, 402 S.C. 119, 129, 740 S.E.2d 493, 498 (2013). Where there is no testimony or evidence, circumstantial or direct, regarding the value of the stolen property, it is left entirely to conjecture and speculation by the jury and the lower court should grant a directed verdict as to a charge of grand larceny. State v. Smith, 274 S.C. 622, 624, 266 S.E.2d 422, 423 (1980). However, "[u]nder South Carolina law, a property owner is

generally qualified by the fact of ownership to give her estimate concerning the value of her property unless the owner's lack of qualification is so complete as to render that testimony entirely worthless." Id. In Brown, our Supreme court thoroughly analyzed the law on this issue before concluding:

> The foregoing authority is clear that a property owner is competent to testify regarding the value of damaged or stolen property. To the extent there is confusion, we take this opportunity to clarify that a property owner's testimony alone is sufficient to support a conviction for grand larceny.

Brown, 402 S.C. at 131, 740 S.E.2d at 499. Thus, contrary to Appellant's assertion, the trial court had no role as gatekeeper of the reliability of the evidence. Instead, it was the duty of the trial judge to submit the grand larceny charge to the jury when there was evidence, in the form of Victim's testimony, which reasonably tended to prove that the value of the goods stolen was at least in the amount of $2,000. State v. Dozier, 263 S.C. 267, 270, 210 S.E.2d 225, 226 (1974). Here, the victim testified the total cost to replace all of the stolen items was approximately $3,449.92. (R.p.31, line 23-p.32, line 5). Chief McDaniels testified that even before Victim realized the extent of what had been stolen she provided a list of the stolen property and its estimated value, which came to an overall dollar amount of $2,501. (R.p.56, line 24-p.57, line 16). Both valuations exceeded $2,000; therefore, the trial court properly found there was sufficient evidence to submit the matter to the jury.

In conclusion, viewing all of the evidence presented in a light most favorable to the State as required, and considering only its existence and not its weight, the evidence established Appellant's guilt for grand larceny and required the trial judge to submit the case to the jury. Based on the logical and reasonable inferences to be drawn from this evidence, the jury could convict Appellant of each element of grand larceny. Furthermore, the questions as to whether

the evidence presented supported an inference of guilt and what weight should be assigned to that evidence rested solely with the jury as the fact-finder. Therefore, the trial judge properly denied Appellant's directed verdict motion and submitted the case to the jurors to allow them to resolve any of the factual disputes raised by the evidence and the inferences to be drawn from it. Appellant's conviction should be affirmed.

CONCLUSION

For all of the foregoing reasons, the State respectfully requests that the conviction and sentence of the lower court be affirmed.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

The undersigned hereby certifies the Final Brief of Respondent complies with Rule 211(b), SCACR.

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