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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SUMTER COUNTY
Court of General Sessions
Howard P. King, Circuit Court Judge

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SC Court of Appeals

Appellate Case No. 2017-001601

THE STATE,RESPONDENT,

v.

JAMES CALEB WILLIAMS,APPELLANT.

FINAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

The trial judge properly denied Appellant's motion to direct a verdict on attempted murder for both victims because there was direct and substantial circumstantial evidence Appellant intended to shoot and kill victim Malik Myers which, combined with the substantial circumstantial evidence that Appellant shot victim Ashley R. and the doctrine of transferred intent, also supported the denial of the motion as to Ashley R.

STATEMENT OF THE CASE

On March 17, 2016, the Sumter County Grand Jury indicted Appellant for two counts of attempted murder and one count of possession of a weapon during the commission of a violent crime. On July 17–19, 2017 Appellant proceeded to a jury trial before the Honorable Howard King. Calvin Hastie, Esquire, represented Appellant; Assistant Solicitor Tyler Brown, Esquire, represented the State. The jury found Appellant guilty of one count of attempted murder and possession of a weapon during the commission a violent crime, but acquitted him of the remaining charge. The trial judge sentenced to fifteen years' incarceration, suspended upon the service of ten years' imprisonment and five years' probation.

Appellant filed a timely Notice of Appeal and subsequently submitted a Brief in support of his appeal. This Brief of Respondent follows.

STATEMENT OF FACTS

The State's Evidence

On May 2, 2015, fifteen-year-old Ashley R. (Victim) attended a teenager-friendly party at Club Cream in Sumter County. Around 2:00 a.m., she exited the club and was walking to a car in the parking lot when she heard people say “fight, gun, shooting.” Victim then heard gunshots. As she looked around, she noticed Malik Myers return gunfire after the unknown gunman fired his first two or three shots. Around the time she heard a fifth gunshot, Victim felt a bullet enter her leg. She started to flee, and blacked out. When she woke, she discovered club security and another man had placed her in the club until medical help arrived. Victim was taken to the hospital and the bullet was removed from her leg. Victim described Myers to investigating officers and told them he was one of the men involved in the shooting. A few days later, Myers contacted Victim and apologized for the shooting. (R.p.68, line 7–R.p.88, line 21).

Chelsea Rogers, Myers's then-girlfriend, was also at Club Cream the night of the shooting. Rogers exited the club with Myers following behind her. As she got to her vehicle, she heard a gunshot erupt from a nearby grassy area. At the moment, she saw Myers and observed he was not holding a gun. He ran away from the gunfire but towards a nearby group of his friends. Shortly thereafter, she heard several gunshots erupt from the area to which Myers ran. (R.p.36, line 24–R.p.53, line 18).

Myers, who pled guilty to assault and battery of a high and aggravated nature (ABHAN) for his actions in that night's shooting, also testified. He admitted he submitted a written statement to police on May 4, 2015, in which he described the events of that night. According to Myers, he had a longstanding feud with Appellant. When he ran into Appellant that night, the latter made gun gestures with his hands, implying he was going to shoot Myers. As Myers left the club, he retrieved his gun, a .38 revolver, from his friend because he expected “anything”

could happen. After hearing the initial gunfire and realizing Appellant was the culprit shooting at him, Myers returned fire, emptying all six rounds of his revolver. Myers claimed five of his bullets hit the car Appellant was using at the time. A friend drove Myers to the hospital where he received treatment for a gunshot wound to his leg. Myers noted a girl, later identified as Victim, was shot by Appellant. (R.p.54, line 3–R.p.66, line 23; R.pp.308–09).

Officer Joseph Jones with the Sumter Police Department was one of the first officers to arrive at scene of the shooting. A Springfield XD pistol and several shell casing were located in a grassy area near the club, which were photographed and marked for investigating detectives. Officer Jones noted officers did not find any revolver shell casings that night, but that was to be expected because revolvers do not discharge spent shell casings. Former Detective Jacob Mitchell collected evidence at the club that night, including the Springfield pistol and the spent bullet casings. (R.p.19, line 4–R.p.35, line 23; R.p.94, line 10–R.p.107, line 23).

Michelle Eichenmiller, a firearms examiner with SLED, analyzed the Springfield pistol and the other ballistics evidence collected by law enforcement. She determined: (1) the Springfield was a .40 gun manufactured by Smith and Wesson; (2) the Springfield pistol produced all the shell casings found at the scene of the crime; (3) the bullet found in Victim could have been fired by the Springfield pistol because it had similar markings and grooves to a test round fired by Eichenmiller, but the physical results of her testing were not clear enough that she could definitively claim it was; and (4) a .38 weapon could likely not have fired the bullet that hit Victim because the type of ammunition was too large for that caliber of weapon. (R.p.110, line 7–R.p.124, line 13).

Detective Nathalie Kelly, another officer with the Sumter Police Department, spoke with Appellant after the time and received his written statement. In both his written statement and his

conversation with her, Appellant claimed: (1) he bumped into Myers in the club and knew a physical confrontation was going to occur; (2) both men were armed; (3) he fired his gun, but stated he fired the weapon into the back of his own vehicle so that it would “look like” he was shooting at Myers; and (4) he threw his gun under a tree when he saw security. During his interview, he admitted to Detective Kelly the Springfield pistol recovered by police was the gun he used that night. Detective Kelly also testified she was the officer who received Myers’s written statement, the same one presented during his trial testimony. (R.p.125, line 15–R.p.158, line 17; R.pp.306–09).

Appellant’s Evidence

Qawiyy McFadden, the person shot by Myers, testified he and another friend were hanging out with Appellant the night of the incident. He claimed that when the shooting started, he was standing outside the vehicle and was hit in the ear by one of the first five shots fired, within the first ten seconds of the incident. He did not see Appellant shooting, but admitted he did not see anyone who was shooting. (R.p.164, line 8–R.p.171, line 22).

Amanda Snap, a crime scene investigator with the Sumter Police Department, testified she searched and photographed Appellant’s vehicle a few weeks after the crime. She noted that five bullets hit the rear vehicle, all of which travelled diagonally downwards from a heightened position, entering around the roof line of the car. (R.p.172, line 12–R.p.177, line 6).

Appellant’s testimony largely corroborated the State’s case. He admitted to attending the event at Club Cream that night and bumping into Myers, with whom he had a long-standing feud which originated in middle school. He knew something was “about to happen” with him and went to his vehicle upon exiting the club and retrieved his gun. He claimed Myers began shooting first and he responded by shooting into his own vehicle to make it appear as if he was

shooting at Myers. When Appellant saw a security guard approaching, he ran off and threw his Springfield pistol under a nearby tree. (R.p.178, line 6–R.p.186, line 24).

On cross-examination, Appellant admitted all the shell casing founds came from his weapon, and that he was not sure whether every shot he fired from his gun went into his car; he conceded he fired six bullets that night, at least one of those bullets did not enter the car, and that Myers used a revolver that night. Appellant, for the first time, also claimed there was at least one additional shooter at the scene, despite making no assertions of such in his prior statements to police or during his direct examination. (R.p.187, line 12–R.p.209, line 16).

Directed Verdict Motion

After the State presented its case-in-chief, trial counsel moved for a directed verdict on all charges, claiming the State could not conclusively prove Appellant shot Myers or Victim because neither witness testified, with certainty, as to who shot them nor did the ballistics evidence guaranty Appellant's gun fired the bullet which hit Victim. In response, the State argued: (1) Appellant admitted to carrying and using his gun that night; (2) multiple witnesses testified Appellant was the initial shooter; (3) in his statement to police, Appellant admitted there was bad blood between him and Myers; (4) Appellant's decision to arm himself after his confrontation in the club with Myers showed malice aforethought; the evidence showed the bullet which hit Victim likely came from Appellant gun and most likely could not have been fired by Myers's weapon; and (5) Appellant's intent to kill Myers transferred to Victim. The trial judge denied the motion, finding "competent" evidence in the record, consisting of both direct and circumstantial evidence, that: (1) Appellant fired first, and (2) Appellant intended to kill Myers. He further found Appellant's intent to kill Myers transferred to Victim. (R.p.159, line 22–R.p.162, line 13).

At the close of the defense's case, trial counsel renewed his motion for a directed verdict. Again, the trial judge denied the motion because there was ample evidence in the record from which a jury could find Appellant's guilt. (R.p.212, line 11–R.p.213, line 3).

STANDARD OF REVIEW

“In criminal cases, an appellate court reviews errors of law only and is bound by the factual findings of the trial court unless clearly erroneous.” State v. Bryant, 372 S.C. 305, 312, 642 S.E.2d 582, 586 (2007). “The conduct of a criminal trial is left largely to the sound discretion of the trial judge, who will not be reversed in the absence of a prejudicial abuse of discretion. Id. “An abuse of discretion occurs when a trial court’s decision is unsupported by the evidence or controlled by an error of law.” Id.

“When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight.” State v. Weston, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006). A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged. Id. When reviewing a 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. Cherry, 361 S.C. 588, 593–94, 606 S.E.2d 475, 477–78 (2004). “If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury.” Id. (emphasis added): A circuit judge should grant a directed verdict motion when the evidence merely raises a suspicion the accused is guilty. State v. Odems, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011).

The courts of South Carolina recognize the doctrine of transferred intent and use this legal principle to criminalize a defendant’s harm against unintended victims. In State v. Fennell, 340 S.C. 266, 531 S.E.2d 512 (2000), the South Carolina Supreme Court found a defendant who killed his intended target but also injured an unrelated third party in his shooting spree was guilty

of murder of the intended victim and, using the doctrine of transferred intent, ABWIK of the third party. The court explained:

The defendant's mental state, or mens rea, whatever it may be at the time he allegedly commits a criminal act, is contained within the defendant's brain when he commits the act. That mental state never leaves the defendant's brain; it is not "transferred from the defendant's brain to another person or place. A more apt description might be that the mental state is like a spotlight emanating from its source—the defendant's mind—to its target—the intended victim.

Nor is that mental state in limited supply. The mental state "spotlight" is not extinguished at the moment a bullet strikes and kills the intended victim, such that there is no mental state left upon which to convict an unintended victim who also is injured or killed.

340 S.C. at 271, 531 S.E.2d at 515.

More recently, the doctrine of transferred intent was applied to South Carolina's successor to ABWIK, attempted murder, in State v. Williams, 422 S.C. 525, 812 S.E.2d 917 (Ct. App. 2018). In Williams, the defendant was charged with three counts of attempted murder after he and codefendant fired numerous shots at a home, intending to kill Al Young. However, Young was joined by Ycedra Williams and Joseph Wrighton, in the home that night and the two defendants ended up focusing their shots on Wrighton. None of the home's occupants were injured in the attack. Id. at 529–32, 812 S.E.2d at 919–20.

At trial, Williams objected to several of the circuit court's jury charges, including the transferred intent charge. He argued that the evidence showed, at most, he attempted to harm Young and because attempted murder is a specific intent crime, he could not have had a specific intent to harm the unknown persons in the home. The trial judge refused his request and the jury ultimately convicted Appellant of all three attempted murder charges. Id. at 532, 812 S.E.2d at 920.

Citing to this Court's opinion in King, the Court agreed attempted murder under South Carolina law requires proving a defendant had the specific intent to commit murder. However, the Court found the circuit court properly charged the jury on the doctrine of transferred intent because "South Carolina's criminal laws **require** the imposition of the doctrine of transferred intent." Id. at 540–41, 812 S.E.2d at 925 (emphasis added). The Court further found Williams misconstrued the attempted murder statute when he argued S.C. Code Ann. § 16-3-29 (2015) requires specific intent to murder specific victims, noting the statute "states a 'person who, with the intent to kill, attempts to kill another person' is guilty of attempted murder." Id. at 542, 812 S.E.2d at 925 (emphasis in original). Thus, like murder, attempted murder does not require a specific victim be killed. Id. at 542, 812 S.E.2d at 925–26; see also S.C. Code Ann. § 16-3-10 (2015) (defining "murder" as "the killing of any person with malice aforethought, either express or implied" (emphasis added)). Further, the Court found the specific intent to kill can be inferred by the surrounding circumstances of the case, including the use of a deadly weapon and the character of the attack. Id. at 542, 812 S.E.2d at 926 (citing State v. Sutton, 340 S.C. 393, 397 n.5, 532 S.E.2d 283, 285 n.5 (2000)).

Applying these standards to Williams, the Court found the evidence presented at trial, including: (1) testimonial and forensic evidence showing Williams and his codefendant fired multiple shots into the walls and doors of the home and at the silhouetted figure represented an attempt to kill another person with malice aforethought; (2) evidence also indicated codefendant was aware Young did not live alone at the residence. Id. at 542–43, 812 S.E.2d at 926. Accordingly, the Court determined "Williams' use of deadly force in attempting to kill Young would warrant the transferred intent charge as to Ycedra and Wrighton because it was

foreseeable that Young would not be alone, especially when considering Young lived at the [r]esidence with several other people.” Id. at 543, 812 S.E.2d at 926.

ARGUMENT

The trial judge properly denied Appellant's motion to direct a verdict on attempted murder for both victims because there was direct and substantial circumstantial evidence Appellant intended to shoot and kill victim Malik Myers which, combined with the substantial circumstantial evidence that Appellant shot victim Ashley R. and the doctrine of transferred intent, also supported the denial of the motion as to Ashley R.

Appellant argues the trial judge erred in denying trial counsel's motion for directed verdict on his attempted murder charges,¹ claiming the State failed to present any direct or substantial circumstantial evidence of his guilt. The State disagrees with this allegation of error. At trial, the State presented substantial evidence of Appellant's guilt, showing Appellant initiated the shooting, he intended to kill Myers, and Appellant was the individual who shot Ashley R. Thus, Appellant's intent to kill Myers transferred to Ashley R.

Analysis

First and foremost, the State notes that it is undisputed in the record that Appellant was armed and fired at least six bullets from his gun during the incident. Appellant himself admitted such in his written statement to police and during his trial testimony. The only questions at trial were who initiated the attack, whether Appellant intended to murder Myers, and whether Appellant was the individual who shot Victim. The State presented a combination of direct and circumstantial evidence answering each of these questions in the affirmative.

Victim, Rogers, and Myers all testified Myers did not initiate the shooting and only fired his own weapon after hearing several gunshots. Myers identified Appellant as the shooter and claimed the latter acted in response to a longstanding feud confirmed by Appellant. Further, Appellant's threatened Myers via hand gesture—forming his hand into a gun and “firing” it at

¹ In his brief, Appellant alleges error in the denial of his directed verdict motion as to **both** attempted murder charges. Because the jury acquitted Appellant of the charge pertaining to Myers, the State's argument will focus on the charge relating to Victim.

Myers—and did, in fact, shoot Myers shortly thereafter. These testimonies, along with Myers’s written statements to police, were direct evidence that Appellant initiated the shooting and intended to murder Myers that night. See State v. Copeland, 278 S.C. 572, 581, 300 S.E.2d 63, 69 (1982) (stating a prior inconsistent statement may be admitted as substantive evidence when the declarant testifies at trial and is subject to cross-examination).

Further, there is substantial circumstantial evidence indicating Appellant, not Myers, was the individual who shot Victim. Victim, who saw Myers during the exchange of gunfire, did not see him fire in her direction. Further, McFadden, who was next to Appellant’s vehicle and not near Victim, testified he was hit in the ear by one of the shots fired from the “front” of the vehicle, which were from Myers’s gun. Most importantly, Eichenmiller testified: (1) the ballistics evidence indicated the bullet which hit Victim had characteristics matching other bullets fired from Appellant’s Springfield pistol; and (2) the bullet which hit Victim most likely could not have been fired by Myers’s weapon because it was too large for Myers’s .38 caliber gun. Considered in tandem, this evidence indicates Appellant, not Myers’s, was the shooter who injured Victim.

Finally, there is some evidence Appellant intended to kill Victim. In State v. Hinton, 630 A.2d 593 (Conn. 1993), the Supreme Court of Connecticut found a defendant could not be convicted of both attempted murder and assault for harming a surviving victim, Jason Diaz, when he fired a shotgun into a crowd of people. Notably, the court found that although the evidence showed Appellant only had a “beef” with one of the victims killed by the shotgun, the act of firing it into a crowd of people could be interpreted as evidence that Hinton attempted to kill Diaz. Id. at 595–96, 600–02. Similarly, in the instant case, Appellant’s act of firing his gun

at crowd of people which included Myers and Victim, could be evidence of his concurrent intent² to kill both because it was reasonable and foreseeable anyone in the crowd he was intentionally firing into would be hit and killed by one of his bullets.

Transferred Intent

Appellant claims the trial judge erred in finding the above-discussed evidence justified the denial of his directed verdict motion as to the attempted murder charge for Victim, claiming South Carolina law requires a specific intent to kill to be proven in murder cases and there is no evidence Appellant specifically intended to harm Victim. Assuming *arguendo* the doctrine of transferred intent is necessary to find Appellant guilty of his charge, the trial judge's use of the doctrine was not error.

In his brief, Appellant cites Hinton for the proposition that transferred intent should not apply to the crime of attempted murder. (Br. of Appellant p.11). However, Appellant's arguments ignore the facts of that case and contradict South Carolina law. First and foremost, the Supreme Court of Connecticut based its opinion on the specific language of Connecticut's murder,³ attempt,⁴ and assault⁵ statutes: Connecticut's murder and assault statutes had specific

² Other jurisdiction which do not apply transferred intent to specific intent crimes recognize that in certain situations, a defendant's actions, although directed at a primary victim, are such that the defendant created a "zone of harm" intended to ensure harm to his target by harming everyone in that victim's vicinity. This legal theory is referred to as the doctrine of concurrent intent. *See, e.g., People v. Bland*, 48 P.3d 1107 (Cal. 2002) (finding that a defendant created a "kill zone" by firing a flurry of bullets at a car and justified the charge of attempted murder for each of the car's passengers, even those who were not the intended target of his attack). In South Carolina, "concurrent intent" is a variation of transferred intent. *See Fennell*, 340 S.C. at 271, 531 S.E.2d at 515 (describing a defendant's mental state as a "spotlight" which targets a victim and those in his vicinity).

³ Conn. Gen. Stat. Ann. § 53a-54a (1985) provided, in relevant part: "(a) A person is guilty of murder when, with intent to cause the death of another person, he causes the death of such person or of a third person"

⁴ Conn. Gen. Stat. Ann. § 53a-49 (1985) provided, in relevant part: "(a) A person is guilty of an attempt to commit a crime if, acting with the kind of mental state required for commission of the crime, he: (1) intentionally engages in conduct which would constitute the crime if attendant circumstances were as he believes them to be; or (2) intentionally does or omits to do anything which, under the circumstances as he believes them to be, is an act or omission constituting a substantial step in a course of conduct planned to culminate in his commission of the crime."

provisions allowing for the transfer of intent to unintended victims; however, the Connecticut code does not contain a specific attempted murder statute, but a general attempt statute which states an attempt has been made if a defendant acts “with the kind of mental state required for commission of the crime” Hinton, 630 A.2d at 601. Because of this vague language, the Connecticut Supreme Court felt constrained by the rule of lenity to conclude the doctrine of transferred intent should not be applied to attempted murder. Id. at 602. In South Carolina, unlike Connecticut, our criminal code includes a specific statute proscribing attempted murder. Admittedly, the Supreme Court of South Carolina has found that the crime of “attempted murder” requires a specific intent to kill. State v. King, 422 S.C. 47, 55, 810 S.E.2d 18, 22 (2017). Yet, “attempted murder” does not require that specific intent be directed at a specific individual. S.C. Code Ann. § 16-3-29 (2015) (“A person who, with the intent to kill, attempts to kill another person with malice aforethought, either expressed or implied, commits the offense of attempted murder.”); Williams, 422 S.C. at 542, 812 S.E.2d at 925–26 (emphasis added); see also S.C. Code Ann. § 16-3-10 (2015) (defining “murder” as “the killing of any person with malice aforethought, either express or implied” (emphasis added)); Williams, 422 S.C. at 542, 812 S.E.2d at 926 (noting “murder” does not require a specific victim be killed); Fennell, 340 S.C. at 276, 531 S.E.2d at 517 (finding that, in a homicide prosecution, a defendant’s state of mind is more important than the identity of the victim). In fact, as explained by this Court, “South Carolina’s criminal laws **require** the imposition of the doctrine of transferred intent.” Williams, 422 S.C. 540–41, 812 S.E.2d at 925 (emphasis added).

⁵ Conn. Gen. Stat. Ann. § 53a-59 (1985) provided, in relevant part: “(a) A person is guilty of assault in the first degree when: (1) With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or dangerous instrument; or (2) with intent to disfigure another person seriously and permanently, or to destroy, amputate or disable permanently a member or organ of his body, he causes such injury to such person or to a third person; or (3) under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to another person, and thereby causes serious physical injury to another person.”

As noted supra, the State presented a combination of direct and substantial circumstantial evidence of Appellant's specific intent to kill Myers and that he was the shooter who injured Victim. Through the doctrine of transferred intent, Appellant's actions constituted the attempted murder of Victim. Accordingly, the trial judge did not err in denying Appellant's motion for a directed verdict.

Retrial

Finally, the State notes Appellant's requested remedy, acquittal for attempted murder and an exoneration of his possession of a weapon during a violent crime charge, is improper in this situation. Assuming *arguendo* the Supreme Court of South Carolina grants certiorari on Williams and finds the doctrine of transferred intent is improper under current State law, the correct remedy would be retrial of Appellant on the charge of ABHAN and possession of a weapon during the commission of a violent crime.

In State v. Cooley, 342 S.C. 63, 536 S.E.2d 666 (2000), the Supreme Court of South Carolina found the trial judge erred in granting defendant's request to charge voluntary manslaughter in a murder trial because it was not supported by the evidence presented. It further ruled the defendant could not be retried on the murder charge because conviction of the voluntary manslaughter charge was an implicit acquittal of murder and thus retrial on murder would violate the constitutional prohibition against double jeopardy. Id. at 69–70, 536 S.E.2d at 669–70. However, the court found Cooley could be retried on involuntary manslaughter because the charge was supported by some evidence at trial, and the voluntary manslaughter conviction was not an acquittal of that charge. Id.

Similarly, in State v. Brandt, 393 S.C. 526, 713 S.E.2d 591 (2011), the Supreme Court of South Carolina reversed a defendant's conviction for felony forgery.⁶ Notably, the court found there was enough evidence of the offense to survive Brandt's motion for a directed verdict and submit the charge to the jury. However, because the State failed to prove the value of the forged item was \$5,000 or more—a requisite element of the offense—the court remanded the case to the circuit court so the trial judge could sentence him for misdemeanor forgery, a lesser-included offense which did not require the State to prove the value of the forged item. Id. at 548–49, 713 S.E.2d at 602–03 (citing State v. Brown, 360 S.C. 581, 597–98, 602 S.E.2d 392, 401 (2004)).

Should the Supreme Court of South Carolina reverse Williams and find the doctrine of transferred intent improper under South Carolina law, the proper remedy would be, similar to Cooley, a remand for a retrial. Appellant concedes in his brief that the evidence presented at trial supported, at a minimum, ABHAN: Appellant admitted to firing his gun that night and a combination of direct and circumstantial evidence indicated Appellant was the individual responsible for Victim's injury. Even without the doctrine of transferred intent, Appellant's actions constitute a cognizable crime under South Carolina law.

⁶ Under S.C. Code Ann. Section 16-13-10(B)(1)(2003), a person convicted of forgery was guilty of felony if the amount of the forgery was five thousand dollars or more; if the forgery did not include a dollar amount, the person was guilty of a misdemeanor.

CONCLUSION

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

Respectfully submitted,

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CERTIFICATE OF COUNSEL

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

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