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State of South Carolina

JAN 22 2019

In the Court of Appeals SC Court of Appeals

Appeals From georgiatown county

Honorable Steven H. John, circuit court judge

The State

Respondent,

v.

Ty'Shun Mario Bussellieu,

Appellant

Appellant case #2018-000622

per se Brief of Appellant

Ty'Shun Mario Bussellieu

Appellant

Ty'Shun Mario Bussellieu #315 758

Lee Correctional Inst F-1 2205

990 WISACV Hwy Bishopville SC

291010

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State v. King, 422 S.C. 47, 810 S.E.2d 18 (2018)

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Statement of Case

On November 14, 2016, A George Town County grand jury indicted appellant Tyshun Mario Besselieu with Four counts of Attempted Murder, discharging a firearm into a dwelling, possession of a weapon during the commission of a violent crime, Unlawful possession of a pistol by a minor, possession of Marijuana with intent to distribute, possession of a schedule IV drug (Xanax). R 411 - 428.

On March 19, 2018, Appellant was tried before the Honorable Steven H. John and a jury. R. 1. Alicia A. Richardson represented the state and William Foster Edgeworth, III represented appellant, R. 1. The Jury convicted appellant on all charges R. 397, 1-10-398, 1.5. Judge John sentenced appellant to sixteen years imprisonment for the Attempted Murder charges and lesser sentences on the other counts with all time to run concurrent. R. 407, 1.2 - 408, 1.10. This appeal follows.

Arguments

The trial court erred in denying appellants motion for a directed verdict due to states failure to provide evidence that there was a specific intent to kill as required to convict a person of attempted murder.

The trial court erred in charging the doctrine of transferred intent with respect to attempted murder.

On the night of August 31, 2016 in the city of Georgetown Tysha Moultrie, Ventrell Gardner, Danasha Anderson, Shaniquia Meant, and Shaniquia Kennedy went to Fishtails, a local night club in Georgetown where they stayed for a while until moving on to another local club named Minus bar + grill.

Upon their arrival at Minus, Tysha Moultrie came into contact with appellant, whom she testified to knowing prior to encounter. Moultrie actually testified that she was with appellant the day before at another individuals house. Moultrie spoke before the court stating that upon contact with appellant, appellant made sexual advances towards her, too which she stated she kind of laughed and brushed off. After what Moultrie called rejecting appellants advances, she stated that she went inside of the bar to have a few drinks and play some pool.

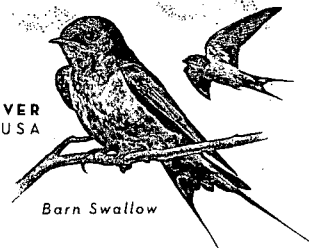
After consuming multiple alcoholic beverages Moultrie stated that she went back outside where she was once again met by appellant, who persisted in his advances from earlier, stating that Moultrie had a fat rear end, which she considered disrespectful and made her angry. Moultrie testified that due to her having had a couple

Moultrie and Friends stated that they were outside for another 10-15 minutes before they noticed a person walking in the field across from them while looking at the person trying to figure out who it is. Moultrie and Friends witness the person brandish what appears to be a handgun and start shooting. When questioned about the shooter, Moultrie and Friends testified that the shooter was unidentifiable because it was too dark and the person was too far away. When asked how far away did she think the shooter was, Danasha Anderson said she thought he was about a football field's length away, or about 300 feet away. She also stated that it was about 3 o'clock in the morning and they had the porch light off, so there was no way for the shooter to have known who was on the porch.

After the women realized that a firearm was being discharged in their direction, they attempted to run inside but had difficulty getting the front door too open. Anderson who was now seated in the chair furthest away from the door was struck in the jaw by a stray projectile while trying to get inside. After being struck she testified that she got on the ground to avoid being struck again, while the other girls got the door open and ran inside. Anderson stated the shooter fired 4 or 5 times then ran away at which point she got up, went in the apartment and got the others to call 911.

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