

State of South Carolina
In The Court of Appeals

Appeal From Spartanburg County
Honorable R. Keith Kelly, Circuit Court Judge

The State Respondent,

v.

Anthony Briggs Appellant

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MAR 05 2020
SC Court of Appeals

APPELLATE CASE No. 2019-000632

memorandum in support of Anders Brief of Appellant

Appellant submits that alleged victim doesn't remember telling people that something happened between her and him. When the State shows alleged victim a video to refresh her memory she said "talked about him putting his fingers inside your private, why -- when we talked to you, why didn't you just say, yeah, that's what happened?" Alleged victim answers "Because that would be a lie." State asks "And why would you consider that lying, because you don't remember those things now?" Alleged victim answers "yes" Tr. Tran. p. 64 L 18-23, p. 65 L 19-21, p. 67 L 1-8, p. 68 L 3-14, 24-25, p. 69 L 1-19, p. 71 L 14-25, p. 72 L 1-25, p. 73 L 1-25.

Alleged victim was asked if there "are things that you say on the video that occurred between you and Anthony that you said

back then." Alleged victim says "yes" continued asked "that occurred between you and Anthony that you don't remember occurring correct?" She states "yes". Tr. Tran p 75 L1-14.

Dr. Henderson testifies that there were no vaginal or anal tears or scars, or any other signs that sexual abuse occurred when she gave alleged victim her physical exam. Tr. Tran p. 185 L23-25, p 186 L1-4, p 187 L10-13.

Galloway Williams, a child abuse and sexual assault expert testified that people don't have to be sexual assaulted to change. Someone who is introverted could stay introverted, could go from introverted to extroverted without experiencing abuse, and extroverted to introverted. Tr. Trans p 210 L22-25, p 211 L1-3 p 212 L1-25, p 213 L1-25, p 214 L1-10.

When Amber Wofford testified, she stated alleged victim told her that defendant didn't do anything, and third party guilt was brought before the court. Tr. Tran p 222 L12-25, p 229 - p 246 L1-25

In Appellant's closing argument, it's established that there's no overwhelming evidence of guilt, or any physical evidence. The only thing is a lot of hearsay, I don't know and I don't remember. Tr. Tran p 367 L11-25, p 368 L1-5, p 369 L8-25, p 370 L1-8, p 371 L11-20 p 372 L3-25 p 373 L1-19, p 374 L13-25, p 375 L1-20, p 376 L7-13 and p 378 L1-5

In sum, no overwhelming evidence of guilt. The alleged victim doesn't remember anything happening between her and Appellant, she further goes to say that it would be a lie to say, the Appellant did anything, and she tells others including the prosecutor's in February

2019 and the court that nothing happened between her and Appellant. According to Dr. Henderson's there's no signs of abuse, and the child abuse and sexual assault expert states that the alleged victim didn't have any signs of sexual abuse. This raised the suspicion standard that nothing happened.

Trial judge should grant a directed verdict when the evidence merely raises a suspicion that accused is guilty. State v. Arnold 361 S.C. 386, 605 S.E.2d 529 (2004); State v. Schrock 283 S.C. 129, 322 S.E.2d 450 (1984). "Suspicion" that accused is guilty sufficient to grant a directed verdict implies a belief or opinion as to guilt based upon facts or circumstances which do not amount to proof. Cherry 361 S.C. @ 594, 606 S.E.2d @ 478; State v. Lollis 343 S.C. 580, 541 S.E.2d 254 (2001) However, a trial judge is not required to find that the evidence infers guilt to the exclusion of any other reasonable hypothesis. Cherry supra; State v. Ballenger 322 S.C. 196, 470 S.E.2d 851 (1996).

For the reasons stated above, appellant should be granted a new trial.

Respectfully Submitted

By Anthony Briggs

Dated: 3/3/2020

Anthony Briggs # 342410
Broad River Correctional Institution
Murray 275
4460 Broad River Rd.
Columbia, SC 29210

South Carolina Court of Appeals
1015 Sumter St.
P.O. Box 11629
Columbia, SC. 29211

3-3-2020

RE: St. v. Anthony Briggs # 342410
Case# 20192000632

Dear Sir/Madam:

Enclosed, Please find 1 copy of A memorandum in support of
Anders Brief of Appellant with the above Stated Case No.

Please file this memorandum with Appellant's Brief.

Your assist is greatly appreciated, and Please send me
a copy back.

Thank you

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~~Anthony Briggs~~

Anthony Briggs # 342410
Broad River Correctional Institution
Murray 275
4460 Broad River Rd.
Columbia, SC. 29210

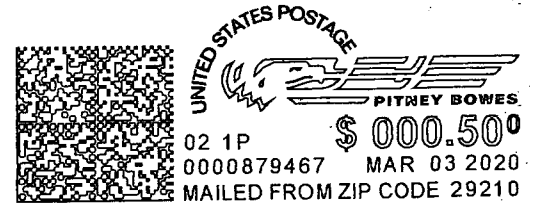
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Anthony Briggs # 342410
Broad River Comm. Inst.
Murray 275
4460 Broad River Rd.
Columbia, SC 29210.

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