



# The South Carolina Court of Appeals

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November 03, 2021

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Re: The State v. Michael A. Breyan  
Appellate Case No. 2019-001589

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen*

CLERK

cc: Alan McCrory Wilson, Esquire  
William Walter Wilkins, III, Esquire  
The Honorable Robin B. Stilwell

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Michael Anthony Breyan, Appellant.

Appellate Case No. 2019-001589

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Appeal From Greenville County  
Robin B. Stilwell, Circuit Court Judge

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Unpublished Opinion No. 2021-UP-388  
Submitted October 1, 2021 – Filed November 3, 2021

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**AFFIRMED**

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Appellate Defender Lara Mary Caudy, of Columbia, for  
Appellant.

Attorney General Alan McCrory Wilson, Senior  
Assistant Deputy Attorney General William M. Blich,  
Jr., and Assistant Attorney General William Frederick  
Schumacher, IV, all of Columbia; and Solicitor William  
Walter Wilkins, III, of Greenville, all for Respondent.

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**PER CURIAM:** Michael Anthony Breyan appeals his conviction for threatening the life of a public official and sentence of four years' imprisonment. On appeal, Breyan argues the trial court erred in denying his motion for a directed verdict.

Because there was direct evidence that Breyan threatened the victim, the trial court did not err by denying Breyan's motion for a directed verdict. Accordingly, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Weston*, 367 S.C. 279, 292, 625 S.E.2d 641, 648 (2006) ("When ruling on a motion for a directed verdict, the trial court is concerned with the existence or nonexistence of evidence, not its weight."); *id.* ("When reviewing a denial of a directed verdict, [an appellate c]ourt views the evidence and all reasonable inferences in the light most favorable to the [S]tate."); *id.* at 292-93, 625 S.E.2d at 648 ("If there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, [an appellate c]ourt must find the case was properly submitted to the jury."); *State v. Rogers*, 405 S.C. 554, 563, 748 S.E.2d 265, 270 (Ct. App. 2013) ("Direct evidence 'is based on personal knowledge or observation and . . . if true, proves a fact without inference or presumption.'" (omission in original) (quoting *Direct Evidence*, *Black's Law Dictionary* 636 (9th ed. 2009))); S.C. Code Ann. § 16-3-1040(A) (2015) ("It is unlawful for a person knowingly and [willfully] to . . . convey to a public official . . . any . . . verbal . . . communication which contains a threat to take the life of or to inflict bodily harm upon the public official . . . or members of his immediate family if the threat is directly related to the public official's . . . professional responsibilities.").

**AFFIRMED.**<sup>1</sup>

**HUFF, THOMAS, and GEATHERS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.