

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.
Thomas Smart, Appellant.

Appeal From Horry County
William H. Seals, Jr., Circuit Court Judge

Unpublished Opinion No. 2012-UP-371
Submitted June 1, 2012 – Filed June 20, 2012

AFFIRMED

Appellate Defender Tristan M. Shaffer, of Columbia,
for Appellant.

Attorney General Alan Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior
Assistant Deputy Attorney General Salley W. Elliot,
and Assistant Attorney General Christina J. Catoe, all

of Columbia; and Solicitor J. Gregory Hembree, of Conway, for Respondent.

PER CURIAM: Thomas Smart was convicted of throwing bodily fluids on a law enforcement officer, failure to stop for a blue light, threatening a public official, and resisting arrest. On appeal, Smart argues the trial court erred in denying his motion for a directed verdict on his charge of throwing bodily fluids in violation of section 24-13-470 of the South Carolina Code (Supp. 2011), arguing his act of spitting blood on an arresting officer did not constitute throwing bodily fluids under the statute. We affirm¹ pursuant to Rule 220(b)(1), SCACR, and the following authorities: State v. Jacobs, 393 S.C. 584, 587, 713 S.E.2d 621, 623 (2011) (explaining that, although penal statutes are strictly construed in favor of the defendant, the court must interpret the statute according to its literal meaning); State v. Morgan, 352 S.C. 359, 366, 574 S.E.2d 203, 206 (Ct. App. 2002) (stating if a statutory term is unclear, the court must interpret the term using its customary meaning within the context of the statute).

AFFIRMED.

WILLIAMS, THOMAS, and LOCKEMY, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.