

**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.

Travas D. Jones, Appellant.

Appellate Case No. 2012-211992

Appeal From Lexington County
R. Knox McMahon, Circuit Court Judge

Unpublished Opinion No. 2014-UP-180
Heard April 9, 2014 – Filed April 30, 2014

REVERSED AND REMANDED

Appellate Defender LaNelle Cantey DuRant, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Deputy Attorney General David A. Spencer, both of
Columbia, for Respondent.

PER CURIAM: Travas D. Jones appeals his convictions for trafficking crack cocaine, possession with intent to distribute cocaine, and possession of a weapon during a crime of violence, arguing the circuit court erred in charging the jury on

constructive possession. We reverse and remand pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Cheeks*, 401 S.C. 322, 328-29, 737 S.E.2d 480, 484 (2013) (holding a jury charge including the language "actual knowledge of possession of drugs is strong evidence of intent to control its disposition or use" is erroneous because it largely negates a mere presence charge and is an improper expression of the circuit court's view of the weight of certain evidence); *State v. Stanko*, 402 S.C. 252, 264, 741 S.E.2d 708, 714 (2013) ("Errors, including erroneous jury instructions, are subject to a harmless error analysis."); *State v. Buckner*, 341 S.C. 241, 247, 534 S.E.2d 15, 18 (Ct. App. 2000) ("[I]n determining whether the error was harmless, [a reviewing court] must determine beyond a reasonable doubt that the error complained of did not contribute to the verdict."); *Taylor v. State*, 312 S.C. 179, 183, 439 S.E.2d 820, 822 (1993) ("While there was sufficient evidence from which the jury could have inferred the [defendant]'s intent to distribute the cocaine and marijuana, we cannot say beyond a reasonable doubt the jury did not base its verdict on the erroneous jury charge.").

REVERSED and REMANDED.

WILLIAMS, KONDUROS, and LOCKEMY, JJ., concur.