

**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.

Demetrius Goodwin, Appellant.

Appellate Case No. 2011-193927

Appeal From Richland County
W. Jeffrey Young, Circuit Court Judge

Unpublished Opinion No. 2013-UP-110
Heard February 5, 2013 – Filed March 13, 2013

AFFIRMED

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

Attorney General Alan McCrory Wilson and Assistant
Attorney General Jennifer Ellis Roberts, both of
Columbia, for Respondent.

PER CURIAM: Demetrius Goodwin appeals his conviction of homicide by child abuse. He contends the trial court erred in denying his motion for a directed verdict because the State did not prove he acted with extreme indifference. 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."); *State v. Venters*, 300 S.C. 260, 264, 387 S.E.2d 270, 272 (1990) (noting that when reviewing a trial court's denial of a defendant's motion for a directed verdict, an appellate court must view the evidence in a light most favorable to the State); *Weston*, 367 S.C. at 292-93, 625 S.E.2d at 648 (holding an appellate court must find a case is properly submitted to the jury if any direct evidence or any substantial circumstantial evidence reasonably tends to prove the guilt of the accused); S.C. Code Ann. § 16-3-85(A) (2003) ("A person is guilty of homicide by child abuse if the person: (1) causes the death of a child under the age of eleven while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life"); *State v. Jarrell*, 350 S.C. 90, 98, 564 S.E.2d 362, 367 (Ct. App. 2002) ("Extreme indifference is in the nature of a culpable mental state and therefore is akin to intent." (ellipsis and quotation marks omitted)); *id.* ("In this state, indifference in the context of criminal statutes has been compared to the conscious act of disregarding a risk which a person's conduct has created, or a failure to exercise ordinary or due care."); *McKnight v. State*, 378 S.C. 33, 48, 661 S.E.2d 354, 361 (2008) ("For purposes of the [homicide by child abuse] statute, 'extreme indifference' has been defined as 'a mental state akin to intent characterized by a deliberate act culminating in death.'" (quoting *Jarrell*, 350 S.C. at 98, 564 S.E.2d at 367)); *State v. McKnight*, 352 S.C. 635, 646, 576 S.E.2d 168, 173 (2003) (finding a defendant's taking cocaine knowing she was pregnant was sufficient evidence to submit to a jury on whether she acted with extreme indifference to her child's life because it is public knowledge usage of cocaine is potentially fatal).

AFFIRMED.

HUFF, WILLIAMS, and KONDUROS, JJ., concur.