



Alma Y. White
Georgetown County Clerk of Court

P.O. Box 479 ■ 401 Cleland St.
Georgetown, SC 29442

June 4, 2013

South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Rondell Carter, Appellant
Appellate Case No. 2011-195627

To Whom it May Concern:

I am returning your letter dated May 31, 2013, along with the Appeal, which was stamped with our clock-in time and date upon receipt. Our stamp has been cancelled because one Indictment Number, 2009GS2200645, should have been 2011GS2200645.

If you have any questions, or if I can be of further assistance, please do not hesitate to contact me 843-545-3037.

Sincerely,

Deborah I. Newton
General Sessions Court Clerk

Enclosures

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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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May 31, 2013

The Honorable Alma Y. White
PO Box 479
Georgetown SC 29442-0479

REMITTITUR

Re: The State v. Carter, Rondell
Lower Court Case No. 2009GS2200645, 2009GS2200557,
2009GS2200560, 2009GS2200561, 2009GS2200556
Appellate Case No. 2011-195627

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William M. Blitch, Jr.
Robert M. Pachak

FILED
GEORGETOWN COUNTY, S.C.
2013 MAY 31 PM 1:55
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**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.

Rondell Carter, Appellant.

Appellate Case No. 2011-195627

Appeal From Georgetown County
Benjamin H. Culbertson, Circuit Court Judge

Unpublished Opinion No. 2013-UP-157
Submitted March 1, 2013 – Filed April 17, 2013

AFFIRMED

Appellate Defender Robert M. Pachak, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General William M. Blich, Jr., both of
Columbia; and Solicitor J. Gregory Hembree, of
Georgetown, for Respondent.

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PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Wilson*, 389 S.C. 579, 584-85, 698 S.E.2d 862, 864-65 (Ct. App. 2010) (holding a defendant adequately preserved the issue of mistrial for appellate review when he objected and moved for a mistrial, declined a curative instruction, and the trial court denied his motion for a mistrial); *State v. Cooper*, 334 S.C. 540, 551, 514 S.E.2d 584, 590 (1999) ("The granting or refusing of a motion for a mistrial lies within the sound discretion of the trial court and its ruling will not be disturbed on appeal unless an abuse of discretion amounting to an error of law occurs."); *State v. Stanley*, 365 S.C. 24, 34, 615 S.E.2d 455, 460 (Ct. App. 2005) (noting a trial court should grant a mistrial only when "absolutely necessary," and a defendant must show both error and resulting prejudice to be granted a mistrial); *State v. McEachern*, 399 S.C. 125, 137, 731 S.E.2d 604, 610 (Ct. App. 2012) ("When a party introduces evidence about a particular matter, the other party is entitled to introduce evidence in explanation or rebuttal thereof, even if the latter evidence would have been incompetent or irrelevant had it been offered initially."); *State v. Faulkner*, 274 S.C. 619, 621, 266 S.E.2d 420, 421 (1980) ("While the State may not attack a criminal defendant's character unless he has placed it in issue, relevant evidence admissible for other purposes need not be excluded merely because it incidentally reflects upon the defendant's reputation." (internal citations omitted)).¹

AFFIRMED.²

SHORT, PIEPER, and GEATHERS, JJ., concur.

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¹ We find that even if the trial court erred in denying the motion for a mistrial, the error was harmless. *See State v. Brown*, 344 S.C. 70, 75, 543 S.E.2d 552, 555 (2001) (stating the erroneous admission of character evidence is harmless beyond a reasonable doubt if it has a minimal impact in the context of the entire record).

² We decide this case without oral argument pursuant to Rule 215, SCACR.

PER CURIAM: Affirmed pursuant to Rule 215, SCACR, and the authorities: *State v. Wilson*, 389 S.C. 579, 199 S.E.2d 800 (S.C. App. 2010) (holding a defendant adequately preserved his right to appellate review when he objected and moved for a mistrial, and the trial court denied his motion for a mistrial lies within the sound discretion of the trial court and will not be disturbed on appeal unless an abuse of discretion or error of law occurs."); *State v. Stanley*, 365 S.C. 100, 2005 WL 100 (S.C. App. 2005) (noting a trial court should grant a mistrial only if necessary, and a defendant must show both that a mistrial was necessary and that a defendant must show both that a mistrial was granted a mistrial); *State v. McEachern*, 399 S.C. 100, 2005 WL 100 (S.C. App. 2012) ("When a party introduces evidence, the other party is entitled to introduce evidence in rebuttal if the latter evidence would have been inadmissible if the former was initially admitted."); *State v. Faulkner*, 274 S.C. 619, 199 S.E.2d 800 (S.C. App. 2001) ("While the State may not attack a criminal conviction if it has placed it in issue, relevant evidence admitted at trial is not excluded merely because it incidentally reflects on the defendant's character (internal citations omitted)).¹

AFFIRMED.²

SHORT, PIEPER, and GEATHERS, JJ.,

South Carolina Court of Appeals

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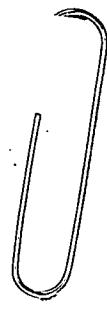


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¹ We find that even if the trial court erred in its ruling, the error was harmless. See *State v. Brown*, 344 S.C. 100, 2001 WL 100 (S.C. App. 2001) (stating the erroneous admission of character evidence is harmless beyond a reasonable doubt if it has a minimal impact in the context of the entire record).

² We decide this case without oral argument pursuant to Rule 215, SCACR.

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