The South Carolina Court of Appeals

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September 23, 2026

Ms. Jessica M. Saxon, Esquire
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Re: The State v. Michael S. Valdario
Appellate Case No. 2024-001170

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,

Jasmine D. Smith, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
Samuel R. Hubbard, III, Esquire
The Honorable Walton J. McLeod, IV

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 Scott Valdario, Appellant.

Appellate Case No. 2024-001170

Appeal From Lexington County
Walton J. McLeod, IV, Circuit Court Judge

Unpublished Opinion No. 2026-UP-437
Submitted September 17, 2026 – Filed September 23, 2026

AFFIRMED

Appellate Defender Jessica M. Saxon, of Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant Attorney General Ambree Michele Muller, both of Columbia; and Solicitor Samuel R. Hubbard, III, of Lexington, all for Respondent.

PER CURIAM: Michael Scott Valdario appeals his convictions of two counts of first-degree sexual exploitation of a minor and two counts of second-degree sexual exploitation of a minor and aggregate sentence of ten years' imprisonment. On

appeal, Valdario argues the trial court erred by denying his motion for a mistrial after the trial court erroneously charged the jury that he pled guilty to the indictments. We affirm pursuant to Rule 220(b), SCACR.

We hold the trial court did not abuse its discretion in denying Valdario's motion for a mistrial because any prejudice resulting from the court's erroneous statement as to how Valdario pled was cured when the court immediately corrected its statement and gave the jury a specific and thorough curative instruction shortly thereafter. *See State v. Bantan*, 387 S.C. 412, 417, 692 S.E.2d 201, 203 (Ct. App. 2010) ("The decision to grant or deny a mistrial is within the sound discretion of the trial court and will not be overturned on appeal absent an abuse of discretion amounting to an error of law."); *id*. ("The granting of a motion for mistrial is an extreme measure that should be taken only when the incident is so grievous the prejudicial effect can be removed in no other way."); *id.* ("A mistrial should be granted only when absolutely necessary and a defendant must show both error and resulting prejudice to be entitled to a mistrial."); *State v. Patterson*, 337 S.C. 215, 227, 522 S.E.2d 845, 851 (Ct. App. 1999) ("A mistrial should only be granted in cases of manifest necessity and with the greatest caution for very plain and obvious reasons."); *State v. Rowlands*, 343 S.C. 454, 457-58, 539 S.E.2d 717, 719 (Ct. App. 2000) ("Whether a mistrial is manifestly necessary is a fact specific inquiry. 'It is not a mechanically applied standard, but rather is a determination that must be made in the context of the specific difficulty facing the trial [court].'" (quoting *Gilliam v. Foster*, 75 F.3d 881, 895 (4th Cir. 1996))); *State v. Walker*, 366 S.C. 643, 658, 623 S.E.2d 122, 129 (Ct. App. 2005) ("Generally, a curative instruction is deemed to have cured any alleged error."); *State v. White*, 371 S.C. 439, 445, 639 S.E.2d 160, 163 (Ct. App. 2006) ("If the trial [court] sustains a timely objection to evidence and gives the jury a curative instruction that it be disregarded, the error is deemed to have been cured by the instruction."); *id.* ("Great care should be exercised in the 'delicate, difficult and important matter' of instructing the jury to disregard incompetent evidence. The jury should be specifically instructed to disregard the evidence, and not to consider it for any purpose during deliberations. A mere general remark excluding the evidence does not cure the error." (quoting *State v. Smith*, 290 S.C. 393, 395, 350 S.E.2d 923, 924 (1986))); *State v. Brisbon*, 323 S.C. 324, 330-32, 474 S.E.2d 433, 437-38 (1996) (holding the trial court did not err in declining to declare a mistrial because its isolated reference to the "defendant" instead of the "witness" when instructing the jury on assessing witness credibility was merely "a slip of the tongue," did not constitute an affirmative comment on the evidence, and did not prejudice the defendant).

AFFIRMED.[1]

GEATHERS, HEWITT, and VINSON, JJ., concur.

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