



The Supreme Court of South Carolina

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July 7, 2014

The Honorable Liz Godard
PO Box 583
Aiken SC 29802-0583

REMITTITUR

Re: The State v. Mike Salley
Lower Court Case No. 2009GS0200827
Appellate Case No. 2012-212233

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 along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK



cc: Mark Reynolds Farthing, Esquire
Kathrine Haggard Hudgins, Esquire

**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 Supreme Court**

The State, Respondent,

v.

Mike Salley, Petitioner.

Appellate Case No. 2012-212233

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Aiken County
The Honorable Ralph F. Cothran, Circuit Court Judge

Memorandum Opinion No. 2014-MO-019
Heard June 11, 2014 – Filed June 18, 2014

DISMISSED AS IMPROVIDENTLY GRANTED

Appellate Defender Kathrine Haggard Hudgins, of South
Carolina Commission on Indigent Defense, of Columbia,
for Petitioner.

Attorney General Alan McCrory Wilson, and Assistant
Attorney General Mark Reynolds Farthing, both of
Columbia, for Respondent.

PER CURIAM: We granted Mike Salley's petition for a writ of certiorari to review the decision of the Court of Appeals in *State v. Salley*, Op. No. 2012-UP-091 (S.C. Ct. App. filed Feb. 22, 2012). We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE, JJ., and Acting
Justice Dorothy Mobley Jones, concur.**

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.

Mike Tyrel Salley, Appellant.

Appeal From Aiken County
R. Ferrell Cothran, Circuit Court Judge

Unpublished Opinion No. 2012-UP-091
Submitted February 1, 2012 – Filed February 22, 2012

AFFIRMED

Appellate Defender Kathrine H. Hudgins, of
Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy
Attorney General John W. McIntosh, Assistant
Deputy Attorney General Salley W. Elliott, and
Assistant Attorney General Mark R. Farthing, all
of Columbia; and Solicitor J. Strom Thurmond,
Jr., of Aiken, for Respondent.

PER CURIAM: Mike Tyrel Salley appeals his guilty plea to assault with intent to commit first-degree criminal sexual conduct with a minor, arguing the trial court erred in finding he was competent to stand trial. We affirm^[1] pursuant to Rule 220(b)(1), SCACR, and the following authorities: Jeter v. State, 308 S.C. 230, 232, 417 S.E.2d 594, 596 (1992) ("The test of competency to enter a plea is [that] . . . [t]he accused must have sufficient capability to consult with his lawyer with a reasonable degree of rational understanding and have a rational as well as factual understanding of the proceedings against him."); State v. Weik, 356 S.C. 76, 81, 587 S.E.2d 683, 685 (2002) ("The defendant bears the burden of proving his lack of competence by a preponderance of the evidence, and the trial [court]'s ruling will be upheld on appeal if supported by the evidence and not against its preponderance.").

AFFIRMED.

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

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