

**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.

Jonathan Mallory, Appellant.

Appellate Case No. 2013-000811

Appeal From Lexington County
Clifton Newman, Circuit Court Judge

Unpublished Opinion No. 2015-UP-007
Submitted November 1, 2014 – Filed January 7, 2015

AFFIRMED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Octavia Yvonne Wright, of the Department of Probation,
Parole and Pardon Services, of Columbia, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Hamilton*, 333 S.C. 642, 647, 511 S.E.2d 94, 96 (Ct. App.
1999) ("The decision to revoke probation is addressed to the discretion of the [trial
court]. This court's authority to review such a decision is confined to correcting

errors of law unless the lack of a legal or evidentiary basis indicates the [trial court]'s decision was arbitrary and capricious." (citations omitted)); *State v. Allen*, 370 S.C. 88, 94, 634 S.E.2d 653, 655 (2006) ("The trial court must determine whether the State has presented sufficient evidence to establish that a probationer has violated the conditions of his probation."); *Barlet v. State*, 288 S.C. 481, 483, 343 S.E.2d 620, 622 (1986) ("Probation may not be revoked *solely* on the ground the probationer failed to pay fines or to make restitution. The [trial court] must determine on the record that the probationer failed to make a bona fide effort to pay."); *Hamilton*, 333 S.C. at 649, 511 S.E.2d at 97 ("It is only when probation is revoked *solely* for failure to pay fines or restitution that a finding of willfulness is mandatory.").

AFFIRMED.¹

HUFF, SHORT, and KONDUROS, JJ., concur.

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