

**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.

Brad Alan Day, Appellant.

Appellate Case No. 2013-002558

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Appeal From Lexington County  
R. Markley Dennis, Jr., Circuit Court Judge

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Unpublished Opinion No. 2015-UP-039  
Submitted November 1, 2014 – Filed January 21, 2015

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**AFFIRMED**

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Appellate Defender Lara Mary Caudy, of Columbia, for  
Appellant.

Assistant General Counsel Tommy Evans, Jr., of the  
South Carolina Department of Probation, Parole and  
Pardon Services, of Columbia, for Respondent.

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**PER CURIAM:** Brad Alan Day contends the trial court erred in concluding he was subject to a community supervision program (CSP) because he served the five-year unsuspended portion of his sentence and ruling he could be re-incarcerated for violations of his CSP. We affirm pursuant to Rule 220(b),

SCACR, and the following authorities: *State v. Baccus*, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006) ("In criminal cases, the appellate court sits to review errors of law only."); *id.* (stating an appellate court "is bound by the trial court's factual findings unless they are clearly erroneous"); S.C. Code Ann. § 24-13-100 (2007) ("For purposes of definition under South Carolina law, a 'no parole offense' means a class A, B, or C felony . . ."); S.C. Code Ann. § 16-1-20(A)(3) (2003) (stating a person convicted of a Class C felony must be imprisoned no more than twenty years); S.C. Code Ann. § 16-3-655(D)(3) (Supp. 2014) (stating a person convicted of CSC of a minor in the second degree is guilty of a felony and "must be imprisoned for not more than twenty years in the discretion of the court"); S.C. Code Ann. § 24-21-560(A) (2007) ("[A]ny sentence for a 'no parole offense' as defined in Section 24-13-100 must include any term of incarceration and completion of a [CSP] operated by the Department of Probation, Parole, and Pardon Services."); S.C. Code Ann. § 24-21-560(D) (Supp. 2014) ("The maximum aggregate amount of time a prisoner may be required to serve when sentenced for successive revocations [of CSP] may not exceed an amount of time equal to the length of incarceration imposed limited by the amount of time remaining on the original 'no parole offense[.]' The prisoner must not be incarcerated for a period longer than the original sentence. The original term of incarceration does not include any portion of a suspended sentence."); *State v. Picklesimer*, 388 S.C. 264, 268, 695 S.E.2d 845, 848 (2010) (stating "the 'original sentence,' as referenced in section 24-21-560(D), includes both the suspended and unsuspended portions of a circuit court's sentence; it is, in fact, the total sentence handed down by the court"); *State v. Blakney*, 410 S.C. 244, 251, 763 S.E.2d 622, 626 (Ct. App. 2014) (stating *Picklesimer's* interpretation of section 24-21-560(D) applies "to all CSP revocations, whether or not the individual subject to a CSP is also subject to a term of regular probation").

**AFFIRMED.**<sup>1</sup>

**FEW, C.J., and KONDUROS and LOCKEMY, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.