



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

February 3, 2015

The Honorable Winnifa Brown-Clark
PO Box 9000
Orangeburg SC 29115-9000

REMITTITUR

Re: The State v. Danny Ryant
Lower Court Case No. 2010GS3800818, 2010GS3800817, 2010GS3800819
Appellate Case No. 2013-000400

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: Kathrine Haggard Hudgins, Esquire
Melody Jane Brown, Esquire
Donald J. Zelenka, Esquire
David Michael Pascoe, Jr., 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.

Danny Ryant, Petitioner.

Appellate Case No. 2013-000400

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Orangeburg County
Edgar W. Dickson, Circuit Court Judge

Memorandum Opinion No. 2015-MO-004
Heard January 13, 2015 – Filed January 28, 2015

**CERTIORARI DISMISSED AS IMPROVIDENTLY
GRANTED**

Appellate Defender Kathrine Haggard Hudgins, of
Columbia, for Petitioner.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Attorney General Donald J. Zelenka, Senior Assistant
Deputy Attorney General Melody Jane Brown, all of

Columbia, and Solicitor David Michael Pascoe, Jr., of
Orangeburg, for Respondent.

PER CURIAM: We granted certiorari to review the court of appeals' opinion in *State v. Ryant*, Op. No. 2012-UP-647 (S.C. Ct. App. filed Dec. 5, 2012). We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
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.

Danny Ryant, Appellant.

Appellate Case No. 2011-182946

Appeal From Orangeburg County
Edgar W. Dickson, Circuit Court Judge

Unpublished Opinion No. 2012-UP-647
Submitted October 1, 2012 – Filed December 5, 2012

AFFIRMED

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

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, Senior Assistant Deputy
Attorney General Donald J. Zelenka, and Senior
Assistant Attorney General Melody Jane Brown, all of
Columbia; and Solicitor David Michael Pascoe, Jr., of
Orangeburg, for Respondent.

PER CURIAM: Danny Ryant appeals his convictions of armed robbery, burglary, and murder. On appeal, he argues the trial court erred in (1) denying his motion for severance and (2) finding he was not entitled to the criminal records checks the State had compiled on prospective jurors. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred in denying Ryant's motion for severance: *State v. Spears*, 393 S.C. 466, 475, 713 S.E.2d 324, 328 (Ct. App. 2011) ("A motion for severance is addressed to the sound discretion of the trial court." (quoting *State v. Simmons*, 352 S.C. 342, 350, 573 S.E.2d 856, 860 (Ct. App. 2002))); *id.* at 475, 713 S.E.2d at 328-29 ("Where the offenses charged in separate indictments are of the same general nature involving connected transactions closely related in kind, place and character, the trial [court] has the power, in [its] discretion, to order the indictments tried together if the defendant's substantive rights would not be prejudiced."); *State v. Halcomb*, 382 S.C. 432, 439, 676 S.E.2d 149, 152 (Ct. App. 2009) ("Criminal defendants who are jointly tried for murder are not entitled to separate trials as a matter of right."); *State v. Dennis*, 337 S.C. 275, 281, 523 S.E.2d 173, 176 (1999) ("The general rule allowing joint trials applies with equal force when a defendant's severance motion is based upon the likelihood he and a codefendant will present mutually antagonistic defenses, i.e., accuse one another of committing the crime."); *State v. Smith*, 387 S.C. 619, 625-26, 693 S.E.2d 415, 418-19 (Ct. App. 2010) (holding the loss of the right to have the last closing argument is not a ground upon which to grant severance); *State v. Stuckey*, 347 S.C. 484, 497, 556 S.E.2d 403, 409 (Ct. App. 2001) (holding the trial court should grant a severance "only when there is a serious risk that a joint trial would compromise a specific trial right of a co-defendant or prevent the jury from making a reliable judgment about a co-defendant's guilt"); *State v. Crowe*, 258 S.C. 258, 267, 188 S.E.2d 379, 383 (1972) (holding the refusal to grant a severance was not error on ground that it resulted in failure of defendant to have his co-defendant testify in his behalf when record failed to show the co-defendant would testify if a separate trial were granted or that his testimony would exculpate the defendant).

2. As to whether the trial court erred in finding Ryant was not entitled to the criminal records checks the State had compiled on prospective jurors: *State v. Childs*, 299 S.C. 471, 474, 385 S.E.2d 839, 841 (1989) (holding a defendant is not "entitled to criminal records checks or records of arrest" of potential jurors because "[n]o right to discovery exists in a criminal case absent statute or court rule"); Rule 5(a)(1), SCRCrimP (providing the State is required to disclose specific information, such as: statements of a defendant, a defendant's prior record, documents and tangible objects the prosecution or defense may use as evidence at

trial, and reports of examinations and tests); Rule 5(a)(2), SCRCrimP (exempting from discovery "internal prosecution documents made by the attorney for the prosecution or other prosecution agents in connection with the investigation or prosecution of the case"); *Childs*, 299 S.C. at 474, 385 S.E.2d at 841 (holding a trial court does not abuse its discretion in denying a discovery request if no statute or court rule requires disclosure of the particular information).

AFFIRMED.¹

SHORT, KONDUROS, and LOCKEMY, JJ., concur.

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