STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Thomas A. Russo, Circuit Court Judge

Appellate Case No. 2015-000909

THE STATE, ...RESPONDENT,

v.

STANLEY LAMAR WRAPP .....APPELLANT.

FINAL BRIEF OF RESPONDENT

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Cases:

RESPONDENT'S STATEMENT OF ISSUE ON APPEAL

1. Whether, to the extent Appellant is challenging his trial in absentia based on the trial court's failure to make certain factual findings, the issue is not preserved for appellate review where Appellant raised no objection to the trial court failing to make findings on the record before proceeding in his absence, and whether, regardless of issue preservation, the trial court properly denied Appellant's continuance motion and proceeded with the trial in absentia where Appellant was aware of his right to be present for trial and the fact the trial would proceed without him. Finally, whether any error was harmless in light of the overwhelming evidence of Appellant's guilt and the lack of prejudice.

STATEMENT OF THE CASE

Stanley Lamar Wrapp (Appellant) was indicted at the February 2014 term of the grand jury for Greenwood County for driving under suspension (2014-GS-24-0368) and trafficking in cocaine base (crack) (2014-GS-24-0369). He was represented by Assistant Public Defender Shane Goranson, of the Eighth Circuit Public Defender's Office. Respondent (the State) was represented by Assistant Solicitors Elizabeth White and Micah Black, of the Eighth Circuit Solicitor's Office. On September 29-30, 2014, the case proceeded to a jury trial in absentia before the Honorable Frank R. Addy, Jr., pursuant to which Appellant was found guilty of driving under suspension and possession with intent to distribute crack as a lesser included offense of trafficking. (R.p.11; p.159-p.160).

On March 30, 2015, Appellant and Assistant Public Defender Patricia Bolen appeared before the Honorable Eugene C. Griffith, Jr., where the previously sealed sentence was unsealed and imposed. Appellant was sentenced to twenty (20) years' imprisonment for possession with intent to distribute cocaine base – second offense, and sixty (60) days' concurrent imprisonment for driving under suspension – second offense. (R.p.167-p.169). He timely filed a notice of intent to appeal his conviction and sentence and subsequently submitted a Brief in support of his appeal. This Brief of Respondent follows.

STATEMENT OF FACTS

Appellant was arrested for trafficking in crack – 10 grams or more but less than 28 grams – second offense, and driving under suspension – third offense. On October 18, 2013, he appeared at a bail proceeding before a Greenwood County magistrate judge who set an appearance recognizance bond with surety in the amount of $25,000, ordered that Appellant appear in the Greenwood County Court of General Sessions beginning on December 6, 2013, and ordered that, "If no disposition is made during that term, the [Appellant] shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court." Appellant signed an acknowledgement stating in part: "I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence." On the day of the bail proceeding, Appellant was released from custody when A1 Bonding Company posted a surety bond on his behalf. (R.p. 170-171) (emphasis added).

On July 14, 2014, Appellant's case was called for trial before the Honorable William P. Keesley. Appellant was present and was represented by Assistant Public Defender Shane Goranson. The State was represented by Assistant Solicitor Elizabeth P. White. At the call of the case Appellant moved for a continuance, arguing he needed more time to track down a potential witness named Eric Ross who may have information on the possible defense of entrapment or sentencing manipulation. The State responded that Ross was not a newly discovered witness and that Appellant had been on notice of the possible issues regarding Ross since he had first been noticed for trial. The solicitor then described the difficulties her office had in going back and forth with Appellant about whether he was going to hire an attorney or apply for a public defender. She noted this

had resulted in a three-month delay that was caused by Appellant himself. Ultimately, Judge Keesley granted Appellant's motion and continued the trial. (R.p.1-p.10).

On September 29, 2014, Appellant's case was re-called for trial, this time before the Honorable Frank R. Addy, Jr. (R.p.11-p.14). After the trial court qualified the jury pool and the parties selected a jury, Counsel for Appellant moved for another continuance. He explained his client was not present for trial and said he had no personal knowledge as to why. Counsel said he did not know whether Appellant's absence was voluntary or involuntary and requested a continuance so he could try to locate Appellant. (R.p.33, lines 22-25; p.36, line 14-p.37, line 14). The solicitor responded that she had first noticed Counsel for trial on June 4, 2014, and was going to try the case the week of July 14th; however, Judge Keesley granted a continuance. The solicitor noted Appellant was present and that she personally had a conversation with him in the courtroom after the continuance was granted. During that conversation she told Appellant his case would be called for trial the next time they could get to it. The solicitor further noted she had received a telephone call from a private attorney, Andrew Hodges, Esquire, three weeks before the current trial date and she told him the case was on the trial docket. She explained Appellant had contacted Hodges about possible representation but Hodges ultimately declined to get involved. The solicitor argued there had been adequate notice to Appellant that his case was coming up for trial and said the State was ready to proceed. (R.p.37, line 16-p.38, line 17).

Counsel responded that he did not know whether Hodges had actually informed Appellant of a trial date or not and said Counsel's investigator was out looking for Appellant as they spoke. (R.p.39, lines 5-16). The trial judge acknowledged he did not

know whether Appellant's absence was voluntary or not, but found "he was noticed to be here." The judge said he did not see any purpose to be served in continuing the case, denied the motion for a continuance, and ruled the trial would proceed whether Appellant was present or not. (R.p.39, line 17-p.40, line 12). Counsel argued he did not feel that Appellant had been adequately noticed and objected to proceeding with the trial. The trial judge announced the trial would resume at 9:30 the following morning and the jury was released for the day. (R.p.42, lines 6-13).

The next day the jury was sworn and the case proceeded as a trial in absentia. The trial judge gave brief preliminary instructions and the parties made opening statements. The solicitor said the jury would hear testimony from several witnesses who would explain why Appellant was charged with driving under suspension and trafficking crack. He said that on October 17, 2013, several officers were patrolling Main Street when they saw an individual they knew had a suspended license driving a vehicle. Based on this knowledge, the officers followed the vehicle into a parking lot, activated their blue lights, and placed the driver under arrest for driving under suspension. During a search of his person incident to arrest, the officers discovered ten to twelve grams of crack in the individual's pocket. During a subsequent search of the vehicle, the officers found more crack, a set of digital scales, and a knife. Counsel responded that Appellant was not guilty of trafficking crack because at the end of the case the jury would have many reasons to doubt the evidence presented by the State. (R.p.42-p.54).

The State proceeded to elicit testimony from Lieutenant Jamie Lovett and Agent Ray Pope of the Greenwood Drug Enforcement Unit, the two officers who arrested Appellant for driving under suspension and then discovered crack during the ensuing

search. In the search incident to arrest, Lovett discovered a small clear plastic bag containing an off-white rock-like substance in Appellant's front pocket. In the search of the vehicle, Pope discovered a purple Crown Royal bag containing a set of digital scales, some white powdery residue, a knife, and a smaller quantity of an off-white rock-like substance. The rock-like substances were field tested as positive for cocaine. Lovett bagged the evidence collected at the scene and placed it in the evidence locker. (R.p.54-p.70; p.75-p.83; p.87).

Next, the State presented testimony from the individuals responsible for securing and testing the suspected drugs from the scene to confirm they were crack. Sergeant Kenya Griffin, the crime scene and evidence technician for the Greenwood City Police Department, retrieved the evidence Lovett placed in the evidence locker on the date of the incident and moved it to a safe in the evidence room. Griffin later transported that evidence to the South Carolina Law Enforcement Division (SLED) for testing. (R.p.89-p.93). Amy Stephens, a forensic technician for SLED, logged the evidence submitted by Griffin and transferred it for forensic analysis. (R.p.100-p.105). Willie Smith, a chemical analyst for SLED, was admitted as an expert in drug analysis. He tested the rock-like substances and determined they were both crack. (R.p.105-p.115). The State also called Marie Wearing, a Department of Motor Vehicles employee, to the stand. She testified Appellant's driving privileges were suspended at the time of the incident and he had been given written notice of the suspension. (R.p.93-p.96).

After the State rested and the trial judge denied Appellant's motion for a directed verdict, Counsel renewed all objections that had been made throughout the trial and those objections were also denied. During a brief charge conference, the trial judge advised he

would charge the jury on Appellant's failure to appear or testify and that this was not a factor the jury could consider in determining guilt or innocence. (R.p.120-p.123).

During closing arguments, the solicitor went through the evidence that had been presented and the elements of the charged offenses. (R.p.127-p.133). Appellant's closing argument focused on reasonable doubt and the things Counsel argued the police failed to do during their investigation. (R.p.133-p.140). The trial judge then charged the jury on the respective roles of the judge and jury, the State's burden of proof, the presumption of innocence, reasonable doubt, credibility of witnesses, the defendant's right not to appear and testify, direct evidence and circumstantial evidence, and the elements of the crimes. (R.p.140-p.153). Specifically in regard to Appellant's absence, the trial judge charged:

> Now, I instruct you and I emphasize that the fat [sic] that the Defendant, Stanley Lamar Wrapp, did not appear or testify in this case is not a factor to be considered by you in any way in your deliberations and in your consideration of the question of the guilt or innocence of Mr. Wrapp. It must not be considered by you in any manner whatsoever. It is well established in our law that a Defendant not appearing at his or her trial must not be construed – that this must not be construed as an admission of guilt. A Defendant has the Constitutional right to remain silent. And the assertion of that right must not be considered by you in your deliberations. I repeat, under your oath you are to draw no conclusion whatsoever from the fact that Mr. Wrapp did not appear or testify in this case. The fact that Mr. Wrapp did not testify should not even be discussed in the jury room.

(R.p.145, line 25-p.146, line 15).

The jury found Appellant guilty of driving under suspension and possession with intent to distribute crack. Following the verdict, the solicitor described Appellant's criminal history, which included prior charges and convictions in 2003, 2006, 2011, and 2012. Counsel then presented facts in mitigation, and the trial judge reviewed

Appellant's bond paperwork before issuing a sentence under seal. (R.p.160-p.165) (emphasis added).

On March 30, 2015, Appellant and Assistant Public Defender Patricia Bolen appeared before the Honorable Eugene C. Griffith, Jr., to have the sealed sentence unsealed and read. Appellant was sentenced to twenty (20) years' imprisonment for possession with intent to distribute crack – second offense, and sixty (60) days' concurrent imprisonment for driving under suspension – second offense. (R.p.167-p.169).

ARGUMENT

I.

To the extent Appellant is challenging his trial in absentia based on the trial court's failure to make certain factual findings, the issue is not preserved for appellate review because Appellant raised no objection to the trial court failing to make findings on the record before proceeding in his absence. Regardless of issue preservation, the trial court properly denied Appellant's continuance motion and proceeded with the trial in absentia because Appellant was aware of his right to be present for trial and the fact the trial would proceed without him. Furthermore, any error was harmless in light of the overwhelming evidence of Appellant's guilt and the lack of prejudice.

Appellant argues the trial judge erred in denying his motion for a continuance and holding his trial in his absence because the record does not support the required findings of fact that he knowingly and voluntarily waived his right to be present. He contends his right to be present at all critical stages of the proceedings against him, as guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution, was violated when the trial court, over Counsel's objection, proceeded with the trial in absentia. Specifically, Appellant argues the trial judge "never made the required findings of fact" that Appellant (1) received notice of his right to be present and (2) was warned he would be tried in his absence should he fail to attend. He further claims, "nor could the record have supported such findings." (Brief of Appellant p.7). Appellant's challenge to the trial court's failure to make specific factual findings regarding whether Appellant knowingly waived his right to be present is not preserved for appellate review because it was never raised to the trial court. In any event, even if preserved the trial court did not err in denying Appellant's continuance motion and proceeding with the trial in absentia because the judge did make a factual finding that Appellant had received adequate notice.

Furthermore, Appellant's acknowledgement and signature on the bond court's "Order Specifying Methods and Conditions of Release" shows he had notice of when his trial would begin and was warned of the consequences of his failure to appear. Finally, even if the trial court somehow erred in proceeding with the trial, any error was harmless in light of the overwhelming evidence of Appellant's guilt and a lack of prejudice from the trial proceeding in his absence. For all of these reasons, Appellant's convictions should be affirmed.

Issue Preservation

Initially, the State submits Appellant's arguments are not preserved for appellate review because they were not specifically raised to and ruled upon by the trial court. State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003). If an error is not presented to and ruled upon by the trial court, it cannot be raised for the first time to the appellate court. State v. Freiburger, 366 S.C. 125, 135, 620 S.E.2d 737, 742 (2005). Indeed, the appellate court will not consider any issues that were not presented to or passed upon by the trial court. State v. Fleming, 254 S.C. 415, 421, 175 S.E.2d 624, 627 (1970). In regard to trials in absentia, this Court has instructed:

> In order to claim the protection afforded by the rule of law that a criminal defendant may be tried in his absence only upon a trial court's finding that the defendant has received the requisite notice of his right to be present and advisement that the trial would proceed in his absence if he failed to attend, a defendant or his attorney must object at the first opportunity to do so, and failure to so object constitutes waiver of the issue on appeal.

State v. Ravenell, 387 S.C. 449, 456, 692 S.E.2d 554, 558 (Ct. App. 2010) (emphasis added).

Here, Appellant's primary claim is that the trial court erred in denying his continuance motion and proceeding with a trial in absentia because it did not make

specific factual findings regarding his waiver of his right to be present for trial. However, because Appellant raised no objection to the trial court's failure to make specific factual findings, Appellant is precluded from raising such an objection for the first time on appeal. See State v. Patterson, 324 S.C. 5, 19, 482 S.E.2d 760, 767 (1997) ("Appellant is limited to the grounds raised at trial."); State v. Adams, 354 S.C. 361, 380, 580 S.E.2d 785, 795 (Ct. App. 2003) ("[A] defendant may not argue one ground below and another on appeal."). As this Court instructed in Ravenell, Appellant was required to object at his first opportunity to do so in order to preserve any challenge to his trial in absentia based on the trial court's failure to make factual findings. Where, as here, Appellant failed to do so, the issue should not be considered for the first time on appeal. The trial court was not given the opportunity to address the alleged deficiency. Appellant should not be permitted to seek reversal of his conviction based on the trial court's failure to make specific factual findings Appellant never asked the trial court to make. Appellant's issue on appeal is not preserved for review and his conviction should be affirmed.

Standard of Review

A decision on whether to grant or deny a motion for continuance rests in the sound discretion of the trial court. State v. Yarborough, 363 S.C. 260, 266, 609 S.E.2d 592, 595 (Ct. App. 2005). Appellate courts in South Carolina typically show great deference to the trial court regarding these decisions. State v. Colden, 372 S.C. 428, 435, 641 S.E.2d 912, 916 (Ct. App. 2007). The denial of a motion for continuance will not be disturbed on appeal absent a clear abuse of discretion. Morris v. State, 371 S.C. 278, 283, 639 S.E.2d 53, 56 (2006); Ravenell, 387 S.C. at 455, 692 S.E.2d at 557. "The

granting or refusal of a motion for continuance is within the discretion of the trial judge and his disposition of such a motion will not be reversed on appeal unless it is shown that there was an abuse of discretion to the prejudice of appellant. . . . [R]eversals of refusal of continuance are about as rare as the proverbial hens' teeth." State v. Lytchfield, 230 S.C. 405, 409, 95 S.E.2d 857, 859 (1957).

Waiver of Right to be Present for Trial

"A criminal defendant has the right to be present at any stage of the criminal proceeding that is critical to its outcome if his presence would contribute to the fairness of the procedure." State v. Shuler, 344 S.C. 604, 624, 545 S.E.2d 805, 815 (2001) (citations omitted). However, this right may be waived. Ellis v. State, 267 S.C. 257, 260, 227 S.E.2d 304, 305 (1976). The South Carolina Rules of Criminal Procedure provide that a defendant "may voluntarily waive his right to be present and may be tried in his absence upon a finding by the court that such person has received notice of his right to be present and that a warning was given that the trial would proceed in his absence upon a failure to attend the court." Rule 16, SCRCrimP. "A defendant's exclusion, or absence, will be reviewed in light of the whole record." Shuler, 344 S.C. at 624, 545 S.E.2d at 815. Although the right to be present is a substantial one, no presumption of prejudice arises from a defendant's exclusion. Id.; State v. Williams, 292 S.C. 231, 232, 355 S.E.2d 861, 862 (1987) (absence from trial is subject to harmless error analysis). "The deliberate absence of a defendant who knows that he stands accused in a criminal case and that his trial will begin during a specific period of time indicates nothing less than an intention to obstruct the orderly process of justice." Ellis, 267 S.C. at 261, 227 S.E.2d at 306.

Discussion / Analysis

First, the State submits that contrary to Appellant's claim on appeal, the trial judge did make a factual finding that Appellant received sufficient notice for the trial to proceed in his absence. Indeed, the trial judge found Appellant "was noticed to be here," a conclusion which encompasses the findings that Appellant had notice of when his trial would begin and that Appellant was warned he could be tried in his absence. When both longstanding precedent and the Rules of Criminal Procedure in South Carolina require such findings, and the trial court specifically finds that notice to the defendant was sufficient and proceeds with a trial in absentia, it necessarily constitutes a finding that the defendant made a voluntary waiver of his or her right to attend trial. This is particularly true where the defendant makes no objection to the adequacy of the court's finding at the time it is made.

Second, the State submits the trial court's finding that Appellant received adequate notice is supported by the record. In State v. Wright, 304 S.C. 529, 531, 405 S.E.2d 825, 826 (1991), Wright was not present for his trial on a charge of distributing cocaine. At the outset of trial, Wright's defense counsel moved for a continuance, asserting he had recently been in contact with Wright and believed Wright could be located. Id. at 532, 405 S.E.2d at 827. The trial court denied the continuance motion and proceeded with a trial in absentia. Id. Following his conviction, Wright appealed, arguing the trial court erred in denying the continuance motion. Id. On appeal, the Supreme Court affirmed the trial court's ruling, finding the trial court did not abuse its discretion in denying Wright's continuance motion because the record reflected Wright

was aware of the term of court in which he was set to be tried and knew he would be tried in his absence if he failed to appear. Id.

Here, the trial court likewise did not abuse its discretion in denying Appellant's continuance motion and proceeding with the trial in Appellant's absence because the record shows Appellant knowingly waived his right to be present for trial by not appearing at trial when he had awareness of the fact he had a right to be present, his trial was scheduled to begin, and he would be tried in his absence if he failed to appear. See State v. Goode, 299 S.C. 479, 481, 385 S.E.2d 844, 845 (1989) ("[T]he right to be present at trial can be waived if done knowingly and voluntarily."). The solicitor, an officer of the court, advised the trial judge that she personally had a conversation with Appellant in the courtroom the day the first continuance was granted and told Appellant his case would be re-called for trial the next term it could be called. The solicitor further noted that three weeks before the trial she called a private attorney Appellant was attempting to retain and told that attorney the case was on the trial docket. (Tr.p.27, line 16-p.28, line 17). These statements alone constitute sufficient evidence to support the trial court's finding. Yet, the solicitor's comments did not stand alone.

Instead, the trial court was also aware that Appellant received written notice of when his trial would begin and of his right to be present. On October 18, 2013, the magistrate who set Appellant's bond ordered that Appellant appear in the Greenwood County Court of General Sessions beginning on December 6, 2013, and further ordered that "[i]f no disposition is made during that term, the [Appellant] shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court." Appellant signed an acknowledgement stating in

part: "I understand and have been informed that I have a right and obligation to be present at trial and should I fail to attend the court, the trial will proceed in my absence." (October 18, 2013 Order Specifying Methods and Conditions of Release) (emphasis added). This bond form was before the trial court and was reviewed by the trial judge during the sentencing proceedings. (R.p.160-p.165). Through his signature on the acknowledgement form, Appellant unequivocally demonstrated his full understanding of the consequences of his failure to appear at the scheduled time of his trial. See State v. Fairey, 374 S.C. 92, 101, 646 S.E.2d 445, 449 (Ct. App. 2007) ("A bond form that provides notice that a defendant can be tried in absentia may serve as the requisite notice."). Additionally, the form demonstrates Appellant was aware he was expected to appear in court each weekly term until otherwise notified rather than simply wait for additional notification from the court or the State before appearing.

Also supporting the trial court's finding was Appellant's substantial prior experience with the criminal justice system, which included four prior convictions over the course of a ten-year criminal career. This experience provided him with sufficient knowledge to understand the consequences of his failure to attend his trial. Cf. Graves v. State, 309 S.C. 307, 310, 422 S.E.2d 125, 127 (1992) (considering Graves' "extensive criminal background" when reviewing a determination of whether Graves validly waived his right to counsel); State v. Cash, 309 S.C. 40, 43, 419 S.E.2d 811, 813 (Ct. App. 1992) (listing the factors different courts have considered in determining whether a defendant had a sufficient background to waive his right to counsel, which included whether the defendant was previously involved in criminal trials).

In light of the representations of the solicitor regarding Appellant's awareness of when his trial was set to begin, Appellant's act of signing the acknowledgement form before he was released on bond, and Appellant's prior criminal experience, it is clear Appellant was fully aware of his right to be present for his trial, the scheduled date and time of his trial, and the consequences of his failure to appear for trial. Accordingly, the trial court did not abuse its discretion in denying Appellant's continuance motion and proceeding with the trial in absentia after Appellant failed to appear at the courthouse for the beginning of his trial. See Wright, 304 S.C. at 532, 405 S.E.2d at 827 (1991) (finding no abuse of discretion in the denial of Wright's continuance motion raised before Wright's trial in absentia because the record reflected Wright was aware of the term of court in which his case was set to be tried and was aware the trial would proceed in his absence); Ellis, 267 S.C. at 261, 227 S.E.2d at 306 ("In our courts of general sessions, defendants are generally only given notice of the term of court in which they will be tried and do not know the exact date and time of their trial until shortly before the trial begins. We think such notice is sufficient to enable a defendant to make an effective waiver of his right to be present at his trial."); see also State v. Williams, 321 S.C. 455, 459, 469 S.E.2d 49, 51 (1996) ("The trial court's refusal of a motion for continuance in a criminal case will not be disturbed absent a clear abuse of discretion."). Appellant's conviction should be affirmed.

Harmless Error

Appellate courts will generally not set aside a judgment based on insubstantial errors not affecting the result. State v. Sherard, 303 S.C. 172, 176, 399 S.E.2d 595, 597 (1991). "No definite rule of law governs this finding; rather, the materiality and

prejudicial character of the error must be determined from its relationship to the entire case." State v. Wiley, 387 S.C. 490, 497, 692 S.E.2d 560, 564 (Ct. App. 2010). Error is harmless beyond a reasonable doubt if it does not contribute to the verdict. State v. Fletcher, 379 S.C. 17, 25, 664 S.E.2d 480, 484 (2008). "When guilt has been conclusively proven by competent evidence such that no other rational conclusion can be reached, the Court should not set aside a conviction because of insubstantial errors not affecting the result." State v. Bailey, 298 S.C. 1, 5, 377 S.E.2d 581, 584 (1989). Thus, when overwhelming evidence of guilt has been presented, any trial error may be harmless. State v. Gathers, 295 S.C. 476, 480-81, 369 S.E.2d 140, 143 (1988).

In Appellant's case, even if the trial court erred in conducting the trial without Appellant in attendance, any error was entirely harmless in light of the overwhelming evidence of Appellant's guilt. See State v. Williams, 292 S.C. 231, 233, 355 S.E.2d 861, 862 (1987) (finding errors resulting from a trial in absentia are subject to a harmless error analysis). Even if Appellant had been present for trial, the result would have been no different. Thus, any error from the trial proceeding without Appellant does not warrant reversal of Appellant's conviction and resulted in no actual prejudice to Appellant. See Shuler, 344 S.C. at 625, 545 S.E.2d at 815 ("Although the right to be present is a substantial one, no presumption of prejudice arises from a defendant's exclusion.") For all of these reasons, Appellant's conviction should be affirmed.

CONCLUSION

For all of the foregoing reasons, the State respectfully requests that the conviction and sentence of the lower court be affirmed.

Respectfully submitted,

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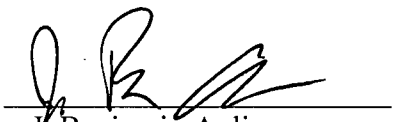
BY: 
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CERTIFICATE OF COUNSEL

The undersigned hereby certifies the Final Brief of Respondent complies with rule 211(b), SCACR.

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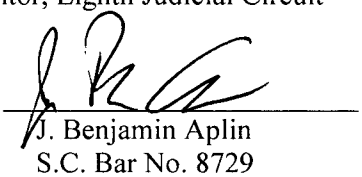
BY: 
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PROOF OF SERVICE

I, Angela Bennett, Administrative Assistant, hereby certify that I have served the within *Final Brief of Respondent* dated March 10, 2016, on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record:

Benjamin J. Tripp, Appellate Defender
S.C. Commission on Indigent Defense
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I further certified that all parties required by Rule to be served have been served. This 10th day of March, 2016.

Angela Bennett
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