

**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.

Tiphani Marie Parkhurst, Petitioner.

Appellate Case No. 2015-002404

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Spartanburg County
R. Lawton McIntosh, Circuit Court Judge

Memorandum Opinion No. 2017-MO-002
Heard December 15, 2016 – Filed March 1, 2017

REVERSED

Appellate Defender Lara M. Caudy, of Columbia, for
Petitioner.

Attorney General Alan Wilson and Senior Assistant
Attorney General David Spencer, both of Columbia, for
Respondent.

PER CURIAM: We granted a writ of certiorari to review the court of appeals' decision in *State v. Parkhurst*, Op. No. 2015-UP-446 (S.C. Ct. App. filed Sept. 9, 2015), affirming Petitioner Tiphani Marie Parkhurst's conviction and sentence for trafficking in methamphetamine¹ based on evidence of theoretical yield, which the State relied on to prove Petitioner attempted to possess ten grams or more of methamphetamine. We reverse pursuant to Rule 220(b), SCACR, and for the reasons expressed in our opinion resolving the appeal of Petitioner's codefendant. *See State v. Cain*, Op. No. 27694 (S.C. Sup. Ct. filed Jan. 5, 2017) (Shearouse Adv. Sh. No. 1 at 22) (holding the trial court should have granted Cain's motion for a directed verdict because the State presented no "evidence showing Cain could actually have produced ten grams or more of methamphetamine with the equipment and ingredients he had at his disposal").

REVERSED.

BEATTY, C.J., KITTREDGE, HEARN, JJ., and Acting Justices Costa M. Pleicones and James E. Moore, concur.

¹ "A person who knowingly . . . attempts to become in actual or constructive possession of ten grams or more of methamphetamine . . . is guilty of a felony which is known as trafficking in methamphetamine . . ." S.C. Code Ann. § 44-53-375(C) (Supp. 2016) (internal quotation marks omitted).