

**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, Appellant,

v.

Arthur M. Field, Respondent.

Appellate Case No. 2015-000210

Appeal From State Grand Jury
J. Cordell Maddox, Jr., Circuit Court Judge

Unpublished Opinion No. 2017-UP-455
Submitted October 1, 2017 – Filed December 6, 2017

AFFIRMED

Attorney General Alan McCrory Wilson, Assistant
Deputy Attorney General Samuel Creighton Waters, and
Assistant Attorney General Brian T. Petrano, all of
Columbia, for Appellant.

James Todd Rutherford, of The Rutherford Law Firm,
LLC, of Columbia, for Respondent.

PER CURIAM: The State appeals an order denying its motion to reconsider Arthur M. Field's sentencing. The State contends Field improperly received credit

for pre-trial time during which he was on GPS monitoring but not on home confinement. We affirm.

Field was placed on home confinement and GPS monitoring when he was released on bond. After Field moved to have both restrictions removed, the presiding circuit court judge ruled from the bench she would "take the house arrest off so he can go" but would "leave the bracelet on." The written order issued after the hearing, however, specified "home confinement except to meet with attorney, doctor visit, religious service." Notwithstanding the circuit court judge's verbal comments, the written order controls. *See First Union Nat'l Bank of S.C. v. Hitman, Inc.*, 308 S.C. 421, 422, 418 S.E.2d 545, 545 (1992) ("[A] judge is not bound by [a] prior oral ruling and may issue a written order which is in conflict with the oral ruling."). Therefore, we hold the credit Field received was for "time spent under monitored house arrest" pursuant to section 24-13-40 of the South Carolina Code (Supp. 2016).

AFFIRMED.¹

SHORT, KONDUROS, and GEATHERS, JJ., concur.

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