

**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.

Kenneth Ray Boynton, Appellant.

Appellate Case No. 2016-001153

Appeal From Horry County
Benjamin H. Culbertson, Circuit Court Judge

Unpublished Opinion No. 2018-UP-102
Submitted February 1, 2018 – Filed March 7, 2018

AFFIRMED

Appellate Defender Robert M. Pachak, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General John Benjamin Aplin,
both of Columbia; and Solicitor Jimmy A. Richardson, II,
of Conway, for Respondent.

PER CURIAM: Kenneth Ray Boynton appeals the circuit court's order denying his motion to alter or amend judgment, arguing the drug court lacked the authority

to impose his suspended sentence when he failed to complete the program. We affirm.

We find the circuit court—not the drug court—imposed the sentence. *See State v. Perkins*, 378 S.C. 57, 61 n.3, 661 S.E.2d 366, 368 n.3 (2008) ("[Drug court] bodies do not have the authority to impose the suspended sentence."). Rather, the drug court acted within its authority when it terminated Boynton's participation in the drug court program, initiating Boynton's service of the circuit court's previously-imposed ten-year sentence. *See Horry County Adult Drug Court Program*, 2014-11-19-02 (S.C. Sup. Ct. Order dated November 19, 2014) ("Sanctions may include, but are not limited to, public service work, additional treatment, issuance of a bench warrant, or termination of participation in the Adult Drug Court Program."); *Perkins*, 378 S.C. at 60, 661 S.E.2d at 368 (declining to review drug court termination decisions in order to avoid transforming the drug court programs into judicially-supervised institutions).

AFFIRMED.¹

HUFF, GEATHERS, and MCDONALD, JJ., concur.

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