

# The Supreme Court of South Carolina

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CLERK OF COURT

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November 20, 2018

The Honorable Paul B. Wickensimer  
Clerk of Court, Greenville County  
305 E North St  
Greenville SC 29601-2121

Re: The State v. Albert Brandeberry  
Lower Court Case No. 2011-GS-23-03885 and 2011-GS-23-03886  
Appellate Case No. 2015-000607

Dear Clerk of Court:

Enclosed is the remittitur in the above entitled matter. Due to inadvertence on the part of this office, this remittitur was not sent out at the proper time.

Please accept our apologies for any inconvenience this may have caused.

Very truly yours,

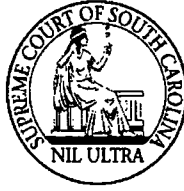
CHIEF DEPUTY CLERK

cc:

Robert Michael Dudek, Esquir

John Benjamin Aplin, Esquire

William Walter Wilkins, III, Esquire



# The Supreme Court of South Carolina

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The Honorable Paul B. Wickensimer  
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## REMITTITUR

Re: The State v. Albert Brandeberry  
Lower Court Case No. 2011-GS-23-03885 and 2011-GS-23-03886  
Appellate Case No. 2015-000607

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,

CHIEF DEPUTY CLERK

cc:

Robert Michael Dudek, Esquire  
John Benjamin Aplin, Esquire  
William Walter Wilkins, III, Esquire

# The Supreme Court of South Carolina

The State, Respondent,

v.

Albert Brandeberry, Petitioner.

Appellate Case No. 2015-000607

Lower Court Case No. 2011-GS-23-03885

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## ORDER

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The above entitled matter is pending in this Court. Counsel for petitioner has advised this Court the petitioner is now deceased. A copy of the death certificate and confirmation from the South Carolina Department of Corrections has been provided to this Court. Therefore, the appeal in this matter is hereby dismissed.

The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina

July 31, 2015

cc:

Robert Michael Dudek, Esquire

John Benjamin Aplin, Esquire

William Walter Wilkins, III, Esquire

The Honorable Paul B. Wickensimer

The Honorable Letitia H. Verdin

**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.

Albert Brandeberry, Appellant.

Appellate Case No. 2012-212841

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Appeal From Greenville County  
Letitia H. Verdin, Circuit Court Judge

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Unpublished Opinion No. 2015-UP-015  
Submitted November 1, 2014 – Filed January 14, 2015

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**AFFIRMED**

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Chief Appellate Defender Robert Michael Dudek, of  
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant  
Attorney General John Benjamin Aplin, both of  
Columbia; and Solicitor William Walter Wilkins, III, of  
Greenville, for Respondent.

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**PER CURIAM:** Albert Brandeberry appeals his convictions for first-degree criminal sexual conduct with a minor and committing a lewd act upon a minor. He argues the trial court erred by (1) admitting expert testimony regarding the general

characteristics of child sexual abuse and (2) charging the jury that the victim's testimony "need not be corroborated" pursuant to section 16-3-657 of the South Carolina Code (2003). We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the trial court erred by admitting expert testimony regarding the general characteristics of child sexual abuse: *State v. Cope*, 405 S.C. 317, 343-44, 748 S.E.2d 194, 208 (2013) (stating the admission of expert testimony lies within the sound discretion of the trial court and an appellate court "will not reverse the trial court's decision to admit or exclude expert testimony absent a prejudicial abuse of discretion"); *State v. Schumpert*, 312 S.C. 502, 506, 435 S.E.2d 859, 862 (1993) ("[B]oth expert testimony and behavioral evidence are admissible as rape trauma evidence to prove a sexual offense occurred where the probative value of such evidence outweighs its prejudicial effect."); *State v. Weaverling*, 337 S.C. 460, 474, 523 S.E.2d 787, 794 (Ct. App. 1999) ("Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible.").

2. As to whether the trial court erred by charging the jury that the victim's testimony "need not be corroborated" pursuant to section 16-3-657 of the South Carolina Code (2003): *State v. Wharton*, 381 S.C. 209, 213, 672 S.E.2d 786, 788 (2009) ("A trial court's decision regarding jury charges will not be reversed where the charges, as a whole, properly charged the law to be applied."); *State v. Rayfield*, 369 S.C. 106, 116, 631 S.E.2d 244, 249 (2006) (stating "it [i]s not error to charge [section] 16-3-657 as long as the charge as a whole comports with the law"); *State v. Orozco*, 392 S.C. 212, 224, 708 S.E.2d 227, 233 (Ct. App. 2011) (adhering to *Rayfield* and holding the trial court committed no reversible error in charging the jury that "in South Carolina the testimony of a victim need not be corroborated for prosecution in a criminal sexual conduct case").

**AFFIRMED.**<sup>1</sup>

**FEW, C.J., and KONDUROS and LOCKEMY, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.