

**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.

Jeffrey William Cole, Appellant.

Appellate Case No. 2016-001451

Appeal From Cherokee County
J. Derham Cole, Circuit Court Judge

Unpublished Opinion No. 2019-UP-053
Submitted January 1, 2019 – Filed February 6, 2019

AFFIRMED

Appellate Defender Taylor Davis Gilliam, of Columbia,
for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General William M. Blich, Jr., both of
Columbia; and Solicitor Barry Joe Barnette, of
Spartanburg, all for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Sherard*, 303 S.C. 172, 174, 399 S.E.2d 595, 596 (1991)
("[T]he scope of cross-examination is within the trial [court]'s discretion, and [our

appellate courts] will not interfere absent a showing of prejudice by the complaining party."); *State v. Gillian*, 360 S.C. 433, 451, 602 S.E.2d 62, 71 (Ct. App. 2004) ("[T]rial [courts] retain wide latitude insofar as the Confrontation Clause is concerned to impose reasonable limits on such cross-examination based on concerns about . . . prejudice, confusion of the issues . . . , or interrogation that is repetitive or only marginally relevant."); Rule 402, SCRE ("Evidence [that] is not relevant is not admissible."); *United States v. Lopez*, 611 F.2d 44, 45 (4th Cir. 1979) ("[M]any psychiatric problems or fixations [that] a witness may have had are without any relevancy to the witness'[s] credibility. . . ."); *id.* (stating the inquiry into whether testimony regarding an individual's mental impairment is relevant should focus on "whether the witness'[s] mental impairment is related to 'his capacity to observe the event at the time of its occurrence, to communicate his observations accurately and truthfully at trial, or to maintain a clear recollection in the meantime'" (quoting *Commonwealth v. Butler*, 331 A.2d 678, 680 (Pa. Super. Ct. 1974))); *id.* ("One's psychiatric history is an area of great personal privacy [that] can only be invaded in cross-examination when required in the interests of justice [C]ross-examination of an adverse witness on [such] matters . . . , if of minimal probative value, is manifestly unfair and unnecessarily demeaning of the witness."); *id.* ("Courts should have the power to protect witnesses against cross-examination that does little to impair credibility but that may damage their reputation, invade their privacy, and assault their personality." (quoting 28 Charles Alan Wright & Kenneth W. Graham, *Federal Practice and Procedure* § 6164, at 401 n.83 (2d ed. 2012))); *State v. Turner*, 373 S.C. 121, 129-31, 644 S.E.2d 693, 698-99 (2007) (finding the trial court did not abuse its discretion in limiting the cross-examination of a witness regarding her schizophrenia diagnosis and related medications because the witness's diagnosis and medications were irrelevant to her ability to recall the events and the defendant was not unfairly prejudiced).

AFFIRMED.¹

KONDUROS, MCDONALD, and HILL, JJ., concur.

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