



# The Supreme Court of South Carolina

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July 24, 2019

The Honorable Jeanette W. McBride  
Clerk of Court, Richland County  
PO Box 2766  
Columbia SC 29202-2766

## REMITTITUR

Re: The State v. Wayland Purnell  
Lower Court Case No. 2012-GS-40-05044 and 2014-GS-40-01247  
Appellate Case No. 2017-001920

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,

*Daniel E. Shearouse*  
DS

CLERK

cc:

Lara Mary Caudy, Esquire

Alan McCrory Wilson, Esquire

Vann Henry Gunter, Jr., Esquire

Heather Savitz Weiss, Esquire

**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.

Wayland Purnell, Petitioner.

Appellate Case No. 2017-001920

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**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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Appeal from Richland County  
Clifton Newman, Circuit Court Judge

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Opinion No. 2019-MO-032  
Heard January 31, 2019 – Filed July 24, 2019

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**CERTIORARI DISMISSED AS IMPROVIDENTLY  
GRANTED**

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

Attorney General Alan Wilson and Assistant Attorney  
General Vann Henry Gunter, Jr. and Interim Solicitor  
Heather S. Weiss, all of Columbia, for Respondent.

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**PER CURIAM:** We granted Wayland Purnell's petition for a writ of certiorari to review the court of appeals' decision in *State v. Purnell*, Op. No. 2017-UP-272 (S.C. Ct. App. filed July 5, 2017). We now dismiss the writ as improvidently granted.

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**BEATTY, C.J., HEARN, FEW and JAMES, JJ., and Acting Justice Paul E. Short, concur.**

**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.

Wayland Purnell, Appellant.

Appellate Case No. 2014-001501

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Appeal From Richland County  
Clifton Newman, Circuit Court Judge

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Unpublished Opinion No. 2017-UP-272  
Heard May 3, 2017 – Filed July 5, 2017

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**AFFIRMED**

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Appellate Defender Lara Mary Caudy, of Columbia, for  
Appellant.

Attorney General Alan McCrory Wilson, Assistant  
Attorney General Vann Henry Gunter, Jr., and Solicitor  
Daniel Edward Johnson, all of Columbia, for  
Respondent.

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**PER CURIAM:** Wayland Purnell appeals his convictions for lewd act upon a child and first degree criminal sexual conduct with a minor. Purnell argues the trial court (1) improperly qualified the State's expert witness in the field of child

sexual abuse dynamics; and (2) improperly admitted video recordings of the victims' forensic interviews pursuant to Section 17-23-175 of the South Carolina Code (2014) because the statute violates the Confrontation Clause of the Sixth Amendment to the United States Constitution. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. The trial court committed no abuse of discretion in qualifying the State's witness as an expert in the field of child sexual abuse dynamics. *See State v. Whaley*, 305 S.C. 138, 143, 406 S.E.2d 369, 372 (1991) ("Generally, the admission of expert testimony is a matter within the sound discretion of the trial court."); *State v. Jones*, 417 S.C. 319, 327, 790 S.E.2d 17, 21 (Ct. App. 2016) ("This court will not disturb the [trial] court's admissibility determinations absent a prejudicial abuse of discretion."); *State v. Brown*, 411 S.C. 332, 342, 768 S.E.2d 246, 251 (Ct. App. 2015) (holding child abuse dynamics and delayed disclosures to be subjects beyond the ordinary knowledge of the jury); *Jones*, 417 S.C. at 330, 790 S.E.2d at 23 (recognizing *Brown* is a settled point of law); *State v. Weaverling*, 337 S.C. 460, 474, 523 S.E.2d 787, 794 (1999) ("Expert testimony concerning common behavioral characteristics of sexual assault victims and the range of responses to sexual assault encountered by experts is admissible."); *id.* at 475, 523 S.E.2d at 794 ("Such testimony is relevant and helpful in explaining to the jury the typical behavior patterns of adolescent victims of sexual assault."); *id.* ("It assists the jury in understanding some of the aspects of the behavior of victims and provides insight into the sexually abused child's often strange demeanor.").

2. The trial court's decision to admit video recordings of the victims' forensic interviews pursuant to Section 17-23-175 of the South Carolina Code (2014) did not constitute an abuse of discretion. *See State v. Pagan*, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006) ("The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion."); *id.* ("An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law."); *State v. Anderson*, 413 S.C. 212, 215-18, 776 S.E.2d 76, 77-79 (2015) (holding Section 17-23-175 is not violative of the Sixth Amendment's Confrontation Clause).

**AFFIRMED.**

**LOCKEMY, C.J., and HUFF and THOMAS, JJ., concur.**