



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
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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

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Richland County
Clifton Newman, Circuit Court Judge

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

**CERTIORARI DISMISSED AS IMPROVIDENTLY
GRANTED**

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.

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

Appeal From Richland County
Clifton Newman, Circuit Court Judge

Unpublished Opinion No. 2017-UP-272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

AFFIRMED

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.

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.