



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

November 12, 2020

Mr. John Benjamin Aplin, Esquire
PO Box 207
Columbia SC 29202

Mr. James Ross Snell, Jr., Esquire
123 Harmon Street
Lexington SC 29072

Ms. Vicki D Koutsogiannis, Esquire
123 Harmon Street
Lexington SC 29072

Mr. William M. Blich, Jr., Esquire
PO Box 11549
Columbia SC 29211

Re: The State v. Craig C. Busse
Appellate Case No. 2018-000201

Dear Counsel:

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

Very truly yours,

V. Claire Allen

CLERK

cc: Alan McCrory Wilson, Esquire
Donald J. Zelenka, Esquire
David Matthew Stumbo, Esquire
The Honorable Donald B. Hocker

**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.

Craig Carl Busse, Appellant.

Appellate Case No. 2018-000201

Appeal From Newberry County
Donald B. Hocker, Circuit Court Judge

Unpublished Opinion No. 2020-UP-307
Submitted October 1, 2020 – Filed November 12, 2020

AFFIRMED

James Ross Snell, Jr. and Vicki D Koutsogiannis, both of
Law Office Of James R. Snell, Jr., LLC, of Lexington,
for Appellant.

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, Senior Assistant
Deputy Attorney General William M. Blich, and Senior
Assistant Deputy Attorney General John Benjamin Aplin,
all of Columbia; and Solicitor David Matthew Stumbo, of
Greenwood, for Respondent.

PER CURIAM: Craig Carl Busse appeals from his sentence for criminal sexual conduct with a minor, second degree, arguing the trial court erred in (1) overruling Busse's objection when the solicitor argued during closing arguments that he found the victim's testimony to be compelling, and (2) applying the South Carolina Rape Shield Statute when the court declined to allow Busse to use evidence found on the victim's cell phone to show motive. We affirm pursuant to Rule 220(b), SCACR, and the following authorities: *Tappeiner v. State*, 416 S.C. 239, 250, 785 S.E.2d 471, 477 (2016) ("[S]olicitors must confine their closing remarks to the record and the reasonable inferences that may be drawn therefrom."); *id.* (holding the trial court has wide discretion in ruling on the appropriateness of a closing argument); *State v. Copeland*, 321 S.C. 318, 324, 468 S.E.2d 620, 624 (1996) ("The trial court's discretion will not be overturned absent a showing of an abuse of discretion amounting to an error of law that prejudices the defendant."); *Humphries v. State*, 351 S.C. 362, 373, 570 S.E.2d 160, 166 (2002) ("Improper comments do not automatically require reversal if they are not prejudicial to the defendant, and the appellant has the burden of proving he did not receive a fair trial because of the alleged improper argument."); *State v. Sinclair*, 275 S.C. 608, 610, 274 S.E.2d 411, 412 (1981) (finding when "the appellant obtained the only relief he sought, this court has no issue to decide"); *State v. Parris*, 387 S.C. 460, 465, 692 S.E.2d 207, 209 (Ct. App. 2010) ("When the defendant receives the relief requested from the trial court, there is no issue for the appellate court to decide.").

AFFIRMED.¹

THOMAS, HILL, and HEWITT, JJ., concur.

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