

**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.

Eric Spratt, Appellant.

Appellate Case No. 2011-193948

Appeal From York County
Lee S. Alford, Circuit Court Judge

Unpublished Opinion No. 2013-UP-186
Submitted April 1, 2013 – Filed May 8, 2013

AFFIRMED

Appellate Defender LaNelle Cantey DuRant, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Salley W. Elliott,
both of Columbia, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Sosbee*, 371 S.C. 104, 111, 637 S.E.2d 571, 574 (Ct. App. 2006) ("[A]n uncounseled conviction that does not result in actual imprisonment may be used to enhance a subsequent conviction."); *State v. Wickenhauser*, 309 S.C. 377, 380, 423 S.E.2d 344, 346 (1992) ("[W]hen a defendant is not actually incarcerated on a prior uncounseled conviction, that offense may be used for enhancement."); *id.* at 380, 423 S.E.2d at 346 (holding the sentencing court properly used defendant's prior uncounseled conviction to enhance his punishment for a subsequent offense when the prior sentence was suspended upon probation and defendant was not imprisoned); *State v. Payne*, 332 S.C. 266, 272, 504 S.E.2d 335, 338 (Ct. App. 1998) ("[O]nce the State has proven the prior conviction[,] . . . the defendant has the burden of proving it is constitutionally defective or otherwise invalid by a preponderance of the evidence."); *id.* at 271, 504 S.E.2d at 337 (noting the Due Process Clause does not require a state to adopt one procedure for determining the burden of proof instead of another on the basis that it may produce more favorable results for the defendant).

AFFIRMED.¹

HUFF, WILLIAMS, and KONDUROS, JJ., concur.

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