



# The South Carolina Court of Appeals

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POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
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March 23, 2022

Mr. William M. Blich, Jr., Esquire  
S.C. Attorney General's Office  
PO Box 11549  
Columbia SC 29211

Mr. Taylor Davis Gilliam, Esquire  
P.O Box 11589  
Columbia SC 29201

Re: The State v. Michael G. Strother  
Appellate Case No. 2019-001328

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  
The Honorable R. Lawton McIntosh

**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.

Michael G. Strother, Appellant.

Appellate Case No. 2019-001328

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Appeal From Greenville County  
R. Lawton McIntosh, Circuit Court Judge

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Unpublished Opinion No. 2022-UP-140  
Submitted January 1, 2022 – Filed March 23, 2022

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**AFFIRMED**

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

Attorney General Alan McCrory Wilson and Senior  
Assistant Deputy Attorney General William M. Blich,  
Jr., both of Columbia, for Respondent.

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**PER CURIAM:** Michael G. Strother appeals his conviction for first-degree sexual exploitation of a minor and sentence of fifteen years' imprisonment. On appeal, he argues the plea court abused its discretion by denying his motion to

reconsider his sentence, or in the alternative, to vacate his guilty plea, on the ground the State breached the plea agreement.

The issue of whether the State breached the plea agreement is not preserved for appellate review.<sup>1</sup> Accordingly, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Edwards*, 384 S.C. 504, 508, 682 S.E.2d 820, 822 (2009) ("In criminal cases, [appellate courts] will review errors of law only . . . . [and are] bound by the trial court's factual findings unless they are clearly erroneous."); *State v. Thrift*, 312 S.C. 282, 296, 440 S.E.2d 341, 349 (1994) ("[N]either the State nor the defendant will be able to enforce plea agreement terms which do not appear on the record before the trial judge who accepts the plea."); *State v. Thomason*, 355 S.C. 278, 287, 584 S.E.2d 143, 147 (Ct. App. 2003) (declining to review an alleged plea agreement when the defendant did not assert its existence until after his guilty plea had been accepted and the plea court had moved onto the sentencing phase of the hearing).

**AFFIRMED.**<sup>2</sup>

**WILLIAMS, C.J., and KONDUROS and HEWITT, JJ., concur.**

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<sup>1</sup> To the extent Strother argues the plea court did not properly consider the expert report, we note the plea court fully reviewed the report, and sentencing lies within the court's discretion. *See State v. Franklin*, 267 S.C. 240, 246, 226 S.E.2d 896, 898 (1976) ("[T]his [c]ourt has no jurisdiction to review a sentence, provided it is within the limits provided by statute for the discretion of the [plea] court, and is not the result of prejudice, oppression or corrupt motive.").

<sup>2</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.