

**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.

Keeon Butler, Appellant.

Appellate Case No. 2012-212340

Appeal From Greenville County
G. Edward Welmaker, Circuit Court Judge

Unpublished Opinion No. 2014-UP-467
Heard September 11, 2014 – Filed December 17, 2014

AFFIRMED

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

Attorney General Alan McCrory Wilson and Assistant
Attorney General Christina Catoe Bigelow, both of
Columbia, for Respondent.

PER CURIAM: Keeon Butler was convicted of threatening the life of a public official under subsection 16-3-1040(A) of the South Carolina Code (2003) after he threatened to kill a guard at the South Carolina Department of Corrections. Butler

argues the guard was not a "public official" under South Carolina Code subsection 16-3-1040(E)(1) (2003), and thus his threat did not violate subsection 16-3-1040(A).

We affirm pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 16-3-1040(A) ("It is unlawful for a person knowingly and willfully to deliver or convey to a public official . . . any letter or paper, writing, print, missive, document, or electronic communication or verbal or electronic communication which contains a threat to take the life of or to inflict bodily harm upon the public official . . . or members of his immediate family if the threat is directly related to the public official's . . . professional responsibilities."); *State v. Bridgers*, 329 S.C. 11, 14, 495 S.E.2d 196, 198 (1997) (listing the criteria a court should consider "when distinguishing between public [officials] and public employees . . . 'whether the position was created by the Legislature; whether the qualifications for appointment are established; whether the duties, tenure, salary, bond and oath are prescribed or required [and] whether the one occupying the position is a representative of the sovereign'" (third alteration in original) (quoting *State v. Crenshaw*, 274 S.C. 475, 478, 266 S.E.2d 61, 62 (1980))); *id.* (stating "[n]o single criterion is dispositive and not all the criteria are necessary to find that an individual is a public [official]"); S.C. Code Ann. § 24-1-280 (2007) ("An employee of the South Carolina Department of Corrections . . . whose assigned work location is one of the correctional facilities of the Department . . . , while performing his officially assigned duty relating to the custody, control, transportation, or recapture of an inmate within the jurisdiction of his department, . . . has the status of a peace officer anywhere in the State in any matter relating to the custody, control, transportation, or recapture of the inmate.").

AFFIRMED.

FEW, C.J., and THOMAS and LOCKEMY, JJ., concur.