

**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.

Bryant McKnight, Appellant.

Appellate Case No. 2015-000569

Appeal From Calhoun County
Maité Murphy, Circuit Court Judge

Unpublished Opinion No. 2017-UP-384
Submitted September 1, 2017 – Filed October 18, 2017

VACATED

David J. Miller, of David J. Miller Law Firm, LLC, and
Chief Appellate Defender Robert Michael Dudek, both of
Columbia, for Appellant.

Attorney General Alan Wilson, Chief Deputy Attorney
General W. Jeffrey Young, and Deputy Attorney General
Donald J. Zelenka, all of Columbia; and Solicitor David
Michael Pascoe, Jr., of Orangeburg, for Respondent.

PER CURIAM: Counsel for appellant filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), asserting that there were no meritorious grounds

for appeal and requesting permission to withdraw from further representation. The Court denied the request to withdraw and directed the parties to file additional briefs.

After careful consideration, we vacate McKnight's kidnapping sentence pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 16-3-910 (2015) ("Whoever shall unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any other person by any means whatsoever without authority of law . . . is guilty of a felony and, upon conviction, must be imprisoned for a period not to exceed thirty years *unless sentenced for murder as provided in [s]ection 16-3-20.*" (emphasis added)); *State v. Vick*, 384 S.C. 189, 201-02, 682 S.E.2d 275, 281-82 (Ct. App. 2009) (vacating a sentence for kidnapping pursuant to section 16-3-910 because the defendant received a concurrent sentence for murder and reaching the issue, even though not challenged at trial, in the interest of judicial economy).

VACATED.¹

WILLIAMS, THOMAS, and MCDONALD, JJ., concur.

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