

**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.

Rufus Rivers, Appellant.

Appellate Case No. 2010-173386

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Appeal From Orangeburg County  
Edgar W. Dickson, Circuit Court Judge

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Unpublished Opinion No. 2012-UP-413  
Submitted July 2, 2012 – Filed July 11, 2012

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**REVERSED AND REMANDED**

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Elizabeth A. Franklin-Best, of Columbia, for Appellant.

J. Benjamin Aplin, of Columbia, for Respondent.

**PER CURIAM:** Rufus Rivers appeals the circuit court's revocation of his probation based on his failure to pay restitution, arguing the circuit court erred in revoking his probation when the court failed to make the necessary findings of fact as to whether the violation was willful. We agree and, therefore, reverse and remand to the circuit court with instructions to make the findings required by *State*

*v. Spare*, 374 S.C. 264, 647 S.E.2d 706 (Ct. App. 2007).<sup>1</sup> See *State v. Coker*, 397 S.C. 244, 245, 723 S.E.2d 619, 620 (Ct. App. 2012) (holding "the circuit court may not revoke probation solely on the basis of a failure to pay money unless the record reflects the court made" certain findings outlined by *Spare*).

**REVERSED AND REMANDED.**

**PIEPER, KONDUROS, and GEATHERS, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.