

**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.

Brad Day, Appellant.

Appellate Case No. 2014-000306

Appeal From Lexington County
Donald B. Hocker, Circuit Court Judge

Unpublished Opinion No. 2016-UP-290
Submitted April 1, 2016 – Filed June 15, 2016

AFFIRMED

Deputy Chief Appellate Defender Wanda H. Carter, of
Columbia, for Appellant.

Tommy Evans, Jr., of the South Carolina Department of
Probation, Parole and Pardon Services, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: S.C. Code Ann. § 24-21-560(A) (2007) ("[A]ny sentence for a 'no
parole offense' as defined in Section 24-13-100 must include any term of
incarceration and completion of a community supervision program operated by the

Department of Probation, Parole, and Pardon Services"); S.C. Code Ann. § 24-13-100 (2007) ("For purposes of definition under South Carolina law, a 'no parole offense' means a class A, B, or C felony"); S.C. Code Ann. § 16-1-90(C) (Supp. 2015) (providing second-degree criminal sexual conduct with a minor is a Class C felony); S.C. Code Ann. § 24-21-560(C) (2007) ("If the [circuit] court determines that a prisoner has [willfully] violated a term or condition of the community supervision program, the court may . . . revoke the prisoner's community supervision and impose a sentence of up to one year"); S.C. Code Ann. § 24-21-560(D) (Supp. 2015) ("The prisoner must not be incarcerated for a period longer than the original sentence."); *State v. Picklesimer*, 388 S.C. 264, 268, 695 S.E.2d 845, 848 (2010) ("[T]he 'original sentence,' as referenced in section 24-21-560(D), includes both the suspended and unsuspended portions of a circuit court's sentence; it is, in fact, the total sentence handed down by the court."); *State v. Blakney*, 410 S.C. 244, 251, 763 S.E.2d 622, 626 (Ct. App. 2014) (ruling "the existence of a term of probation for the prisoner in *Picklesimer* did not make its holding any less applicable to CSP revocations that do not involve a term of probation").

AFFIRMED.¹

WILLIAMS and THOMAS, JJ., and CURETON, A.J., concur.

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