

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Demetrius Mack, Respondent,

v.

Leon Lott, in his Official Capacity as Sheriff of Richland
County, Petitioner.

Appellate Case No. 2014-002229

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Richland County
DeAndrea G. Benjamin, Circuit Court Judge

Opinion No. 27597
Heard November 17, 2015 – Filed December 9, 2015

**DEPUBLISH THE OPINION OF THE COURT OF
APPEALS AND DISMISS CERTIORARI AS
IMPROVIDENTLY GRANTED**

Robert D. Garfield and Andrew F. Lindemann, both of
Davidson & Lindemann, P.A., of Columbia, for
Petitioner.

Joshua Snow Kendrick and Christopher S. Leonard, both
of Kendrick & Leonard, P.C., of Columbia, and Neal
Michael Lourie, of Lourie Law Firm, L.L.C., of
Columbia, for Respondent.

PER CURIAM: We granted a writ of certiorari to review the Court of Appeals' decision in *Mack v. Lott*, 410 S.C. 28, 762 S.E.2d 719 (Ct. App. 2014). We now dismiss the writ as improvidently granted since both parties and the trial court agree that the proper standard for determining probable cause is an objective standard; that is, whether the facts known to the arresting officer at the time of the arrest, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause. Because the Court of Appeals' language on this issue is arguably unclear, for the benefit of the bench and bar, we direct the Court of Appeals to depublish its opinion.

Accordingly, we

**DEPUBLISH THE OPINION OF THE COURT OF APPEALS AND
DISMISS CERTIORARI AS IMPROVIDENTLY GRANTED.**

**PLEICONES, Acting Chief Justice, BEATTY, KITTREDGE, HEARN, JJ.,
and Acting Justice James E. Moore, concur.**