

**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 Supreme Court**

Waymon S. Harbin, Jr., Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2009-139675

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**ON WRIT OF CERTIORARI**

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Appeal From Anderson County  
J. Cordell Maddox, Jr., Circuit Court Judge

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Memorandum Opinion No. 2012-MO-036  
Submitted September 20, 2012 – Filed September 26, 2012

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**DISMISSED AS IMPROVIDENTLY GRANTED**

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Attorney General Alan McCrory Wilson, Senior  
Assistant Deputy Attorney General Salley W. Elliott,  
Chief Deputy Attorney General John W. McIntosh,  
Assistant Attorney General Kaelon Elizabeth May, all of  
Columbia, for Petitioner State of South Carolina.

Bruce A. Byrholdt, of Chapman Byrholdt & Yon, of  
Anderson, for Respondent.

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**PER CURIAM:** After careful consideration of the Appendix and briefs, the writ of certiorari is

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.**