

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

The State, Respondent,

v.

Felix Kotowski, Petitioner.

Appellate Case No. 2019-001206

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Dorchester County
Maite Murphy, Circuit Court Judge

Opinion No. 27977
Heard May 20, 2020 – Filed June 3, 2020

AFFIRMED IN PART, VACATED IN PART

Appellate Defender Lara M. Caudy, of Columbia, for
Petitioner.

Attorney General Alan Wilson and Senior Assistant
Attorney General David Spencer, both of Columbia; and
First Circuit Solicitor David M. Pascoe Jr., of
Orangeburg, for Respondent.

PER CURIAM: We granted a writ of certiorari to review the court of appeals' decision in *State v. Kotowski*, 427 S.C. 119, 828 S.E.2d 605 (Ct. App. 2019). Having carefully reviewed the matter, we affirm the court of appeals in part and

vacate in part. We adopt the court of appeals' well-reasoned opinion, with the exception of Section III of the opinion. We vacate Section III of the court of appeals' opinion pertaining to the admission of the NPLeX records during trial. Assuming, without deciding, that the admission of the NPLeX records during trial was erroneous, as Petitioner asserts, we find the error is harmless in light of the overwhelming evidence of guilt. Accordingly, the decision of the court of appeals is affirmed in part and vacated in part.

AFFIRMED IN PART, VACATED IN PART.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.