

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

The State, Respondent,

v.

David Matthew Carter, Petitioner.

Appellate Case No. 2021-000632

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Lancaster County
Steven H. John, Circuit Court Judge

Opinion No. 28104
Heard June 8, 2022 – Filed August 10, 2022

AFFIRMED

Chief Appellate Defender Robert M. Dudek, of
Columbia, for Petitioner.

Attorney General Alan Wilson, Senior Assistant Attorney
General David Spencer, both of Columbia; and Solicitor
Randy E. Newman Jr., of Lancaster, all for Respondent.

PER CURIAM: We granted a petition for a writ of certiorari to review the court of appeals' decision in *State v. Carter*, 433 S.C. 352, 857 S.E.2d 910 (Ct. App. 2021). We now dismiss the writ as improvidently granted.¹

DISMISSED AS IMPROVIDENTLY GRANTED.

BEATTY, KITTREDGE, HEARN, FEW and Acting Justice William H. Seals, Jr., concur.

¹ We note that during oral argument, Petitioner's primary focus was on whether the procedure employed by the trial court violated his right to confront his accuser. *See generally* U.S. Const. amend. VI ("In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him . . ."). Previously, Petitioner's argument on appeal was one of statutory interpretation, specifically, the meaning of the phrase "very young" in section 16-3-1550(E) of the South Carolina Code (2015) ("The circuit or family court must treat sensitively witnesses who are very young, elderly, handicapped, or who have special needs by using closed or taped sessions when appropriate."). Our disposition of this case should in no manner be viewed as a comment one way or the other on the merits of Petitioner's Confrontation Clause argument.