

**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.

Gene Donald Cook, Jr., Appellant.

Appellate Case No. 2015-001922

Appeal From Edgefield County
R. Knox McMahon, Circuit Court Judge

Unpublished Opinion No. 2017-UP-174
Submitted February 1, 2017 – Filed April 19, 2017

AFFIRMED

Appellate Defender John Harrison Strom, of Columbia,
for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General John Benjamin Aplin,
both of Columbia; and Solicitor Donald V. Myers, of
Lexington, all for Respondent.

PER CURIAM: Gene Donald Cook, Jr. appeals the imposition of \$9,999 in restitution following his guilty plea for receiving stolen goods valued between \$2,000 and \$10,000,¹ arguing: (1) the restitution court abused its discretion by ordering restitution in excess of the value of the stolen goods Cook admitted to receiving; and (2) the restitution court erred by ordering restitution of \$9,999 because it overruled the earlier sentence of the plea court. We affirm² pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the restitution court abused its discretion by ordering restitution in excess of the value of the stolen goods Cook admitted to receiving: *State v. Morgan*, 417 S.C. 338, 341, 790 S.E.2d 27, 29 (Ct. App. 2016) ("A sentence will not be overturned absent an abuse of discretion when the ruling is based on an error of law."); *State v. Cox*, 326 S.C. 440, 442, 484 S.E.2d 108, 109 (Ct. App. 1997) ("The [restitution court] has broad discretion in determining the manner, method, and amount of restitution."); *id.* at 443, 484 S.E.2d at 110 (holding joint and several liability of codefendants for restitution is proper to assure victims are fully compensated).

2. As to whether the restitution court erred by ordering restitution of \$9,999 because it overruled the earlier sentence of the guilty plea: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the [restitution court]. Issues not raised and ruled upon in the [restitution] court will not be considered on appeal.").

AFFIRMED.

LOCKEMY, C.J., and HUFF and THOMAS, JJ., concur.

¹ The sentencing sheet cited the proper statute but incorrectly noted the subsection and value of the stolen goods to be between \$1,000 and \$5,000. However, the record reflects he pled guilty to receiving stolen goods valued between \$2,000 and \$10,000.

² We decide this case without oral argument pursuant to Rule 215, SCACR.