

(emphasis added). *See, e.g.*, S.C. Code Ann. § 56-1-1020 (2006) (explaining that multiple traffic offenses committed within a one-day period "shall be treated for the purposes of this article as one offense"); *State v. Woody*, 359 S.C. 1, 3–4, 596 S.E.2d 907, 908 (2004) (rejecting the State's position that defendant's two prior armed robberies, which arose from a single incident at the same time and at the same location, did not constitute one offense); *State v. Boyd*, 288 S.C. 206, 209–10, 341 S.E.2d 144, 146 (Ct. App. 1986) ("[W]e hold that where a defendant has been convicted on two or more counts for the violation of the Controlled Substance Act arising out of simultaneous acts committed in the course of a single incident, the convictions will be considered as only one for the purpose of sentencing under a subsequent conviction for a violation of the Controlled Substance Act."). *But see Bryant v. State*, 384 S.C. 525, 533–34, 683 S.E.2d 280, 284–85 (2009) (explaining that when a defendant commits three separate armed robberies on different days, at different locations, and the robberies involved different victims, the "armed robberies may not, as a matter of law, be considered 'one offense'"); *Koon v. State*, 372 S.C. 531, 534, 643 S.E.2d 680, 682 (2007) (concluding that "the March 28th burglary of a different building, in a different location, which occurred two weeks later [than the March 13th and 14th burglaries], clearly constitutes a separate burglary").

Here, Weary's two prior second-degree burglaries took place within ten to fifteen minutes of one another on November 24, 2000, as part of a single crime spree. Further, the residences where the burglaries took place are close in proximity. Despite the fact that the November 24, 2000 burglaries involved different victims, we find the PCR court's determination that Weary provided sufficient evidence that the burglaries occurred within a single crime spree and were so closely connected in point of time that they may be considered as one offense is supported by the evidence.

Although the State only introduced evidence of two prior burglary convictions at trial, the record reflects that Weary has three prior burglary convictions. Even if trial counsel had argued that the two prior burglaries presented were too close in time to be considered two separate offenses, the first-degree burglary charge would still have gone to the jury because the State would have simply introduced its evidence of Weary's third prior burglary, which was not closely related in time to the other priors and would clearly have qualified as an additional burglary offense. Therefore, we reverse the PCR court's finding that Weary's two prior burglary convictions did not satisfy the requirements for a subsequent first-degree burglary conviction based on the "two or more prior convictions" element.

III. Prejudice

The State further argues that even if the PCR court did not err in determining trial counsel was ineffective for failing to investigate Weary's prior burglary convictions, Weary cannot show any resulting prejudice. We agree.

To show prejudice, a PCR applicant must establish that the deficient performance prejudiced the applicant to the extent that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Strickland*, 466 U.S. at 694. "A 'reasonable probability' is less than a preponderance of the evidence but still 'probability sufficient to undermine confidence in the outcome.'" *Weik v. State*, 409 S.C. 214, 233, 761 S.E.2d 757, 767 (2014) (quoting *Strickland*, 466 U.S. at 693–94). "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington v. Richter*, 562 U.S. 86, 112 (2011) (quoting *Strickland*, 466 U.S. at 693).

Here, the record reflects that Weary had three prior burglary convictions, two of which could not be considered as "so closely connected in point of time that they may be considered as one offense." Therefore, we reverse the finding of the PCR court that but for trial counsel's deficiency, a different outcome would have resulted at trial.¹

Accordingly, the decision of the PCR court is

REVERSED.

SHORT, LOCKEMY, and MCDONALD, JJ., concur.

¹ Because we reverse on the *Strickland* prejudice element, we decline to address the question of whether the PCR court's remedy of remanding for sentencing on second-degree burglary, as opposed to granting a new trial on first-degree burglary, was proper. See *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding the appellate court need not address remaining issues when disposition of a prior issue is dispositive).