

**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**

The State, Respondent,

v.

Marcus Evans, Appellant.

Appellate Case No. 2010-178426

Appeal From Lee County
Howard P. King, Circuit Court Judge

Memorandum Opinion No. 2013-MO-005
Submitted February 5, 2013 – Filed February 13, 2013

AFFIRMED

Appellate Defender LaNelle Cantey DuRant, of South
Carolina Commission on Indigent Defense, of Columbia,
for Appellant.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Salley W. Elliott and Assistant
Attorney General Megan E. Harrigan, all of Columbia;
and Solicitor Ernest Adolphus Finney, III, of Sumter for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. Mercer*, 381 S.C. 149, 672 S.E.2d 556 (2009); *Johnson v. Catoe*, 345 S.C. 389, 548 S.E.2d 587 (2001); *State v. Spann*, 334 S.C. 618, 513 S.E.2d 98 (1999); *State v. Charping*, 333 S.C. 124, 508 S.E.2d 851, *cert. denied*, 527 U.S. 1007 (1999); *State v. Plath*, 281 S.C. 1, 313 S.E.2d 619, *cert. denied*, 467 U.S. 1265 (1984).

AFFIRMED.

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