

**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**

Greenville County, Respondent,

v.

Dennis Darrell Brooks, Appellant.

Appellate Case No. 2011-192348

Appeal From Greenville County
G. Edward Welmaker, Circuit Court Judge

Unpublished Opinion No. 2013-UP-002
Submitted December 3, 2012 – Filed January 2, 2013

AFFIRMED

Grant Henry Gibson, of G. Gibson & Associates, LLC, of
Taylors, for Appellant.

H. Dean Campbell and Kimberly N. Wunder, both of the
Greenville County Attorney's Office, of Greenville, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *Indigo Assocs. v. Ryan Inv. Co.*, 314 S.C. 519, 523, 431 S.E.2d 271,
273 (Ct. App. 1993) ("The circuit court, acting as an appellate court in a case heard

by the magistrate, cannot consider questions that have not been presented to the magistrate."); *State v. Gault*, 375 S.C. 570, 573, 654 S.E.2d 98, 99-100 (Ct. App. 2007) (holding a constitutional argument advanced on appeal to the circuit court but not raised before the magistrate is not preserved for this court's review).

AFFIRMED.¹

HUFF, THOMAS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.