

**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**

City of Beaufort, Respondent,

v.

Dechpong Tocharoen, Appellant.

Appellate Case No. 2012-211429

Appeal From Beaufort County
Marvin H. Dukes, III, Special Circuit Court Judge

Unpublished Opinion No. 2013-UP-246
Heard May 9, 2013 – Filed June 12, 2013

AFFIRMED

Eric J. Erickson, of Erickson Law Firm, LLC, of
Beaufort, for Appellant.

William B. Harvey, III, of Harvey & Battey, PA, of
Beaufort, for Respondent.

PER CURIAM: Dechpong Tocharoen appeals his conviction of Driving Under the Influence (DUI), arguing the trial court erred in admitting his breathalyzer test results. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to admission of breathalyzer test: *State v. Curtis*, 356 S.C. 622, 632, 591 S.E.2d 600, 605 (2004) ("A party cannot complain of an error which his own conduct created.").

2. As to refusal of first breathalyzer test: *State v. Goodwin*, 384 S.C. 588, 603, 683 S.E.2d 500, 508 (Ct. App. 2009) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial court.").

AFFIRMED.

HUFF, WILLIAMS, and KONDUROS, JJ., concur.