

**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.

Johnny Jerome Boyd, Appellant.

Appellate Case No. 2014-002715

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Appeal From Saluda County  
DeAndrea G. Benjamin, Circuit Court Judge

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Unpublished Opinion No. 2016-UP-489  
Submitted November 1, 2016 – Filed November 23, 2016

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**AFFIRMED**

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Appellate Defender LaNelle Cantey DuRant, 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.

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**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: *State v. Gilmore*, 396 S.C. 72, 77, 719 S.E.2d 688, 690 (Ct. App. 2011)  
("In criminal cases, we review the decisions of the trial court only for errors of law.

Therefore, in the context of a trial court's decision not to charge a requested lesser-included offense, [this court] review[s] the trial court's decision de novo." (citation omitted)); *State v. White*, 361 S.C. 407, 412, 605 S.E.2d 540, 542 (2004) ("The law to be charged is determined by the evidence presented at trial."); *id.* ("[A] trial [court] does not err by refusing to charge a [lesser-included] offense where there is no evidence tending to show the defendant was guilty only of the lesser offense."); *State v. Geiger*, 370 S.C. 600, 607, 635 S.E.2d 669, 673 (Ct. App. 2006) ("To justify charging the lesser crime, the evidence presented must allow a rational inference the defendant was guilty only of the lesser offense."); *id.* ("The [trial] court looks to the totality of evidence in evaluating whether such an inference has been created.").

**AFFIRMED.**<sup>1</sup>

**HUFF and SHORT, JJ., and MOORE, A.J., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.