

**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.

Marcus C. McFadden, Appellant.

Appellate Case No. 2017-002175

Appeal From Sumter County
W. Jeffrey Young, Circuit Court Judge
George M. McFaddin, Jr., Circuit Court Judge

Unpublished Opinion No. 2020-UP-188
Submitted October 1, 2019 – Filed June 17, 2020

AFFIRMED

Appellate Defender Kathrine Haggard Hudgins, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Senior
Assistant Deputy Attorney General John Benjamin Aplin,
and Senior Assistant Deputy Attorney General William
M. Blicht, Jr., all of Columbia; and Solicitor Ernest
Adolphus Finney, III, of Sumter; all for Respondent.

PER CURIAM: Marcus Codell McFadden appeals the circuit court's denial of his post-trial motion to reconsider his concurrent sentences of twenty years' imprisonment for burglary and one-year's imprisonment for assault and battery by mob. On appeal, McFadden argues the circuit court abused its discretion and based its ruling on an erroneous view of the law. However, this issue is not preserved for appellate review. Although the circuit court ruled on the post-trial motion for a new trial as it related to the denial of McFadden's motion to sever his trial from that of his co-defendant, the court did not rule on the question of McFadden's sentence—and the attorneys made no argument as to sentencing at the hearing. Accordingly, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: *See State v. Dawson*, 402 S.C. 160, 163, 740 S.E.2d 501, 502 (2013) ("In criminal cases, the appellate court sits to review errors of law only."); *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the [circuit court]. Issues not raised and ruled upon in the [circuit] court will not be considered on appeal.").

AFFIRMED.¹

HUFF, WILLIAMS and MCDONALD, JJ., concur.

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