

**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.

Atraus Dorrell Styles, Appellant.

Appellate Case No. 2017-000798

Appeal From Spartanburg County
R. Keith Kelly, Circuit Court Judge

Unpublished Opinion No. 2019-UP-236
Submitted June 1, 2019 – Filed June 26, 2019

AFFIRMED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Joshua Abraham Edwards, both of
Columbia; and Solicitor Barry Joe Barnette, of
Spartanburg, all for Respondent.

PER CURIAM: The jury convicted Styles of misconduct in office. The trial court sentenced him to two years' imprisonment. On appeal, Styles argues the trial court erred by failing to declare a mistrial when the State impermissibly

commented on his failure to testify. When viewed in the context of the closing argument, the State's statement did not improperly comment on Styles's decision to not testify. See *State v. White*, 371 S.C. 439, 443, 639 S.E.2d 160, 162 (Ct. App. 2006) ("The decision to grant or deny a mistrial is within the sound discretion of the trial [court] and will not be overturned on appeal absent an abuse of discretion amounting to an error of law."); *State v. Hill*, 382 S.C. 360, 369, 675 S.E.2d 764, 769 (Ct. App. 2009) ("[I]t is impermissible for the State to comment directly or indirectly upon a defendant's failure to testify at trial." (alteration in original) (quoting *State v. Adkins*, 353 S.C. 312, 319, 577 S.E.2d 460, 464 (Ct. App. 2003))); *State v. Harris*, 382 S.C. 107, 117, 674 S.E.2d 532, 537 (Ct. App. 2009) ("A mistrial should only be granted when absolutely necessary, and a defendant must show both error and resulting prejudice in order to be entitled to a mistrial."). Accordingly, the trial court did not err in denying the motion for a mistrial.

AFFIRMED.¹

WILLIAMS, GEATHERS, and HILL, JJ., concur.

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