



# The South Carolina Court of Appeals

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July 07, 2022

The Honorable Lisa M. Comer  
205 East Main Street  
Suite 128  
Lexington SC 29072

## REMITTITUR

Re: Billy W. McIntosh 87743 v. State  
Lower Court Case No. 2018CP3202764  
Appellate Case No. 2020-000741

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Jamison, deputy". The signature is written in a cursive style.

CLERK

Enclosure

cc: Billy Wayne McIntosh, 87743  
Harley Littleton Kirkland, Esquire

Alan McCrory Wilson, Esquire  
Leon David Leggett, III, Esquire  
W. Jeffrey Young, Esquire  
The Honorable Alison Renee Lee

**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**

Billy Wayne McIntosh, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-000741

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Appeal From Lexington County  
Alison Renee Lee, Circuit Court Judge

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Unpublished Opinion No. 2022-UP-262  
Submitted May 1, 2022 – Filed June 15, 2022

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**AFFIRMED**

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Billy Wayne McIntosh, pro se.

Attorney General Alan McCrory Wilson, Chief Deputy  
Attorney General W. Jeffrey Young, Assistant Attorney  
General Harley Littleton Kirkland, Assistant Attorney  
General Leon David Leggett, III, all of Columbia, for  
Respondent.

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**PER CURIAM:** Billy Wayne McIntosh appeals a circuit court order declaring his 1977 kidnapping conviction required him to register as a sex offender pursuant to

section 23-3-430(C)(15) of the South Carolina Code (Supp. 2021). McIntosh argues the retroactive application of section 23-3-430(C)(15) violated his rights to equal protection and due process of law. We affirm.

The order on appeal included no rulings regarding the effect of the retroactive application of the statute on McIntosh's constitutional rights, and McIntosh did not move to alter or amend the order for rulings on these issues. Therefore, we hold McIntosh failed to preserve these issues for appellate review and affirm the appealed order pursuant to Rule 220(b), SCACR, and the following authorities: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to be preserved for appellate review."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 24, 602 S.E.2d 772, 780 (2004) ("A party *must* file [a motion pursuant to Rule 59(e), SCRCP] when an issue or argument has been raised, but not ruled on, in order to preserve it for appellate review.").

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

**THOMAS, MCDONALD, and HEWITT, JJ., concur.**

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