

**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 Supreme Court**

The State, Appellant,

v.

Alexander Nutt, Respondent.

Appellate Case No. 2012-213669

Appeal from Richland County
The Honorable Alison R. Lee, Circuit Court Judge

Memorandum Opinion No. 2014-MO-017
Heard April 3, 2014 – Filed June 4, 2014

REVERSED

Solicitor Daniel E. Johnson and Assistant Solicitor
Joseph Y. Shenkar, both of Columbia, for Appellant.

John A. O'Leary, of O'Leary Associates, P.A., of
Columbia, for Respondent.

PER CURIAM: The State appeals the circuit court's order reversing the magistrate's finding that Alexander Nutt violated the terms of his conditional discharge. We reverse pursuant to Rule 220(b)(1), SCACR, and the following authorities: *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) ("[T]he losing party generally must both present his issues and

arguments to the lower court and obtain a ruling before an appellate court will review those issues and arguments."); *State v. Henderson*, 347 S.C. 455, 457, 556 S.E.2d 691, 692 (Ct. App. 2001) ("In criminal appeals from magistrate or municipal court, the circuit court does not conduct a de novo review, but instead reviews for preserved error raised to it by appropriate exception.").

REVERSED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**