

**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**

Richland County Sheriff's Department, Appellant,

v.

Nizar Awde, Respondent.

Appellate Case No. 2012-205508

Appeal from Richland County
The Honorable DeAndrea G. Benjamin, Circuit Court
Judge

Memorandum Opinion No. 2014-MO-024
Heard May 21, 2014 – Filed July 2, 2014

AFFIRMED

Attorney General Alan M. Wilson, Chief Deputy
Attorney General John W. McIntosh, and Assistant
Deputy Attorney General David A. Spencer, all of
Columbia, for Appellant.

Jonathan S. Gasser, of Harris & Gasser, LLC, of
Columbia, and Jonathan S. Altman, of Derfner Altman &
Wilborn, LLC, of Charleston, for Respondent.

PER CURIAM: The State appeals the circuit court's order affirming the magistrate's finding that two "Chess Challenge II" devices before it were legal games of skill. We affirm pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. 192 Coin-Operated Video Game Machines*, 338 S.C. 176, 184, 525 S.E.2d 872, 876 (2000) ("This Court cannot question findings of fact in a magistrate's court approved by a circuit judge on appeal when there is any evidence, however slight, tending to prove issues involved."); *Bowers v. Thomas*, 373 S.C. 240, 245, 644 S.E.2d 751, 753 (Ct. App. 2007) ("[W]here the testimony is sufficient to sustain a judgment of the magistrate's court, and it is affirmed on appeal to the circuit court, this court will assume the circuit court affirmed the judgment on the merits, in the absence of facts showing the affirmance was controlled or affected by errors of law.").

AFFIRMED.

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