

**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.

Gary Wayne Presley, Appellant.

Appellate Case No. 2013-002475

Appeal From Richland County
Robert E. Hood, Circuit Court Judge

Unpublished Opinion No. 2015-UP-411
Submitted July 1, 2015 – Filed August 12, 2015

AFFIRMED

Appellate Defender Robert M. Pachak, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Jennifer Ellis Roberts, both of
Columbia; and Solicitor Daniel Edward Johnson, of
Columbia, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. McEachern*, 399 S.C. 125, 136, 731 S.E.2d 604, 609 (Ct. App.

2012) ("The admission or exclusion of evidence falls within the sound discretion of the trial court and will not be disturbed on appeal absent an abuse of that discretion."); Rule 401, SCRE ("'Relevant evidence' means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."); Rule 403, SCRE ("Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice . . ."); *State v. Brooks*, 341 S.C. 57, 62, 533 S.E.2d 325, 328 (2000) ("The determination of the prejudicial effect of evidence must be based on the entire record, and the result will generally turn on the facts of each case.").

AFFIRMED.¹

FEW, C.J., and HUFF, and WILLIAMS, JJ., concur.

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