

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM ANDERSON COUNTY  
The Honorable J. Cordell Maddox Jr., Circuit Court Judge

Appellate Case No: 2014-002623

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RICHARD KEVIN PATTERSON,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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SUPPLEMENTAL APPENDIX

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ATTORNEYS FOR RESPONDENT

INDEX

INDEX ..... i

SC COURT OF APPEALS UNPUBLISHED OPINION 2003-UP-143 ..... 1

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

The State,

Respondent,

v.

Richard Kevin Patterson,

Appellant.

Appeal From Anderson County  
J. C. Buddy Nicholson, Jr., Circuit Court Judge

Opinion No. 2003-UP-143  
Submitted December 9, 2003 - Filed February 19, 2004

AFFIRMED

COPIES OF THIS OPINION  
GENERAL SESSIONS

2004 MAY 18 P 12:12

FILED-CLERK'S OFFICE  
ANDREWS

Tara Shurling, of Columbia, for appellant.

Attorney General Henry Dargan McMaster, Chief Deputy Attorney  
General John W. McIntosh, Assistant Deputy Attorney General  
Donald J. Zelenka, Assistant Attorney General Derrick K. McFarland,  
of Columbia; Druanne Dykes White, of Anderson, for respondent.

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PER CURIAM: Richard K. Patterson appeals his convictions for  
murder and possession of a weapon during the commission of a violent crime,

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Cathy M. Phillips  
CLERK OF COURT

arguing the trial court erred in curtailing cross-examination of the State's pathologist and in denying his motion for mistrial.

We affirm pursuant to Rule 220(b)(2), SCACR, and the following authorities: Issue I: State v. Burroughs, 328 S.C. 489, 497, 492 S.E.2d 408, 412 (Ct. App. 1997) ("Hearsay" is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. [Hearsay] testimony [i]s properly admitted only if it falls within one of the established exceptions to the general rule that hearsay is inadmissible.") (citations omitted); State v. Galloway, 305 S.C. 258, 264, 407 S.E.2d 662, 666 (Ct. App. 1991) (holding trial judge did not err in excluding testimony where "the record plainly reveals it was hearsay and [the defendant] failed to demonstrate it came within any exception to the hearsay rule"); Issue II: State v. Rosemond, 335 S.C. 593, 596-97, 518 S.E.2d 588, 589-90 (1999) ("The relevance, materiality and admissibility of photographs are matters within the sound discretion of the trial court and a ruling will be disturbed only upon a showing of an abuse of discretion. . . . [If the photograph serves to corroborate testimony, it is not an abuse of discretion to admit it.]); State v. Harris, 340 S.C. 59, 63, 530 S.E.2d 626, 628 (2000) ("A mistrial should only be granted when absolutely necessary. In order to receive a mistrial, the defendant must show error and resulting prejudice.") (internal citation omitted); State v. Kelsey, 502 S.E.2d 63, 69, 331 S.C. 50, 73 (1998) ("The decision to grant or deny a mistrial is within the sound discretion of the trial judge and will not be overturned on appeal absent an abuse of discretion."); State v. Mitchell, 330 S.C. 189, 498 S.E.2d 642 (1998) (stating a defendant cannot acquiesce in an issue at trial and then complain about it on appeal).

no  
hearsay  
except.  
rule

AFFIRMED.

GOOLSBY, HUFF, and SHULER, JJ., concur.

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JUL 27 2004

Caryn M. Phillips  
CLERK OF COURT