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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

October 26, 2016

The Honorable Isaac McDuffie Stone, III
Solicitor, Fourteenth Judicial Circuit
Post Office Box 1880
Bluffton, South Carolina 29910

RE: State v. Tonya Mcalhaney, 00358721
2013-GS-25-433

Dear Solicitor Stone:

In its Opinion No. 2015-UP-564, filed on December 23, 2105, the South Carolina Court of Appeals affirmed the above appeal. The Remittitur has been sent to the Bluffton County Clerk of Court. Therefore, with this letter, we are closing our direct appeal file in this matter.

This office has verified through the South Carolina Department of Corrections' website that Ms. Mcalhaney is presently incarcerated.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General

MHJ/kc
Enclosure

cc: The Honorable Jerri Ann Roseneau
Barton J. Vincent, Esquire
Ms. Trisha Allen, Victim Services

2016 OCT 31 3:06
JERRI ANN ROSENEAU
BLUFFTON COUNTY, S.C.
CLERK OF COURT
DATE CANCELLED



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 25, 2016

The Honorable Mylinda D. Nettles
PO Box 7
Hampton SC 29924-0007

REMITTITUR

Re: The State v. Tonya Mcalhaney
Lower Court Case No. 2013GS2500433
Appellate Case No. 2014-000255

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OCT 26 2016 *MMS*
10/26/16
ATTORNEY GENERALS
OFFICE

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,

Jay A. Kitchings
CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire
Tiffany Lorraine Butler, Esquire
Megan Harrigan Jameson, Esquire
Isaac McDuffie Stone, III, Esquire
The Honorable Brooks P. Goldsmith

**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.

Tonya Mcalhaney, Appellant.

Appellate Case No. 2014-000255

Appeal From Hampton County
Brooks P. Goldsmith, Circuit Court Judge

Unpublished Opinion No. 2015-UP-564 .
Submitted October 1, 2015 – Filed December 23, 2015

AFFIRMED

Appellate Defender Tiffany Lorraine Butler, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Megan Harrigan Jameson, both of
Columbia; and Solicitor Isaac McDuffie Stone, III, of
Bluffton, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: Rule 220(c), SCACR (stating an "appellate court may affirm any

ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal"); *State v. Gaster*, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002) ("The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion."); *State v. McDonald*, 343 S.C. 319, 325, 540 S.E.2d 464, 467 (2000) ("An abuse of discretion occurs when the trial court's ruling is based on an error of law . . ." (alteration by court) (quoting *Clark v. Cantrell*, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000))); *State v. Wilson*, 345 S.C. 1, 6, 545 S.E.2d 827, 829 (2001) ("If there is any evidence to support the admission of the bad act evidence, the trial [court's] ruling will not be disturbed on appeal."); *Anderson v. State*, 354 S.C. 431, 435, 581 S.E.2d 834, 836 (2003) ("Evidence of other crimes is admissible under the res gestae theory when the other actions are so intimately connected with the crime charged that their admission is necessary for a full presentation of the case."); *State v. Martucci*, 380 S.C. 232, 258, 669 S.E.2d 598, 612 (Ct. App. 2008) ("Under [the res gestae theory], it is important that the temporal proximity of the prior bad act be closely related to the charged crime."); *State v. McGee*, 408 S.C. 278, 288, 758 S.E.2d 730, 735 (Ct. App. 2014) (holding that when "the uncharged offense is so linked together in point of time and circumstances with the crime charged that one cannot be fully shown without the other . . . [and is thus] part of the res gestae of the crime charged[,] evidence of the uncharged act is admissible (first and second alterations by court) (quoting *State v. Adams*, 322 S.C. 114, 122, 470 S.E.2d 366, 370-71 (1996), *overruled on other grounds by State v. Giles*, 407 S.C. 14, 754 S.E.2d 261 (2014))); *State v. Pagan*, 369 S.C. 201, 211, 631 S.E.2d 262, 267 (2006) ("Evidence of other crimes, wrongs, or acts is generally not admissible to prove the defendant's guilt for the crime charged. Such evidence is, however, admissible to show motive, identity, the existence of a common scheme or plan, the absence of mistake or accident or intent."); *State v. Benjamin*, 345 S.C. 470, 479-80, 549 S.E.2d 258, 263 (2001) (holding evidence of a defendant's subsequent bad act was admissible to show the defendant's intent during the commission of the charged crime).

AFFIRMED.¹

FEW, C.J., and KONDUROS and LOCKEMY, JJ., concur.

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



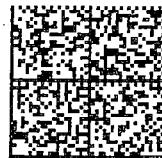
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SC Court of Appeals

South Carolina Court Of Appeals
Attn: Megan Harrigan Jameson
Post Office Box 11629
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