

**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.

Quartis Naquan Hemingway, Appellant.

Appellate Case No. 2015-001201

Appeal From Horry County
Michael G. Nettles, Circuit Court Judge

Unpublished Opinion No. 2017-UP-017
Submitted October 1, 2016 – Filed January 11, 2017

AFFIRMED

Appellate Defender LaNelle Cantey DuRant, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General William F. Schumacher, IV, both of
Columbia; and Solicitor Jimmy A. Richardson, II, of
Conway, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Liverman*, 398 S.C. 130, 138, 727 S.E.2d 422, 425 (2012) ("Generally, the decision to admit an eyewitness identification is at the trial judge's discretion and will not be disturbed on appeal absent an abuse of discretion."); *Neil v. Biggers*, 409 U.S. 188, 198-200 (1972) (developing a two-prong inquiry to determine the admissibility of an out-of-court identification); *State v. Traylor*, 360 S.C. 74, 81, 600 S.E.2d 523, 526 (2004) (stating an identification procedure arranged by police that "is unnecessarily suggestive and conducive to irreparable mistaken identification" may deprive a criminal defendant of due process of law); *State v. Dukes*, 404 S.C. 553, 557-58, 745 S.E.2d 137, 139 (Ct. App. 2013) ("If the court finds the identification did not result from impermissibly suggestive police procedures, the inquiry ends there and the court does not need to consider the second prong.").

AFFIRMED.¹

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

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