

**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.

Maria Todd Martin, Appellant.

Appellate Case No. 2016-000745

Appeal From Greenwood County
Donald B. Hocker, Circuit Court Judge

Unpublished Opinion No. 2018-UP-005
Submitted November 1, 2017 – Filed January 10, 2018

APPEAL DISMISSED

Clarence Rauch Wise, of Greenwood, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General William M. Blicht, Jr., both of
Columbia; and Solicitor David Matthew Stumbo, of
Greenwood, all for Respondent.

PER CURIAM: Maria Todd Martin appeals a circuit court order reversing an evidentiary pretrial ruling issued by a magistrate in a driving under the influence (DUI) trial. On appeal, Martin argues the circuit court erred in (1) allowing the State to proceed on its appeal of the magistrate's decision to suppress a video

recording of her refusal to undergo field sobriety testing and (2) finding the magistrate abused his discretion in excluding evidence of her refusal to take the test. Pursuant to Rule 220(b), SCACR, and the following authorities, we dismiss Martin's appeal: *State v. Rearick*, 417 S.C. 391, 400, 790 S.E.2d 192, 197 (2016) (noting the Supreme Court of South Carolina "has consistently held that a criminal defendant may not appeal until sentence is imposed"), *cert denied*, 137 S. Ct. 1582 (2017); *Ashenfelder v. City of Georgetown*, 389 S.C. 568, 571, 698 S.E.2d 856, 858 (Ct. App. 2010) (holding an appellate court may address the issue of appealability *ex mero motu*).

APPEAL DISMISSED.¹

SHORT, KONDUROS, and GEATHERS, JJ., concur.

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