

**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.

Dean Guisseppi Distasio, Appellant.

Appellate Case No. 2015-002130

Appeal From York County
R. Scott Sprouse, Circuit Court Judge

Unpublished Opinion No. 2018-UP-015
Submitted November 1, 2017 – Filed January 10, 2018

AFFIRMED

Appellate Defender Laura Ruth Baer, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Attorney General David A. Spencer, both of
Columbia; and Solicitor Kevin Scott Brackett, of York,
all for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Meggett*, 398 S.C. 516, 523, 728 S.E.2d 492, 496 (Ct. App.
2012) ("The denial of a motion for a continuance is within the sound discretion of

the trial court and will not be disturbed absent a showing of an abuse of discretion resulting in prejudice."); *State v. Geer*, 391 S.C. 179, 189, 705 S.E.2d 441, 447 (Ct. App. 2010) ("An abuse of discretion arises from an error of law or a factual conclusion that is without evidentiary support." (quoting *State v. Irick*, 344 S.C. 460, 464, 545 S.E.2d 282, 284 (2001))); *id.* at 190, 705 S.E.2d at 447 ("[R]eversals of refusal of continuance are about as rare as the proverbial hens' teeth." (alteration by court) (quoting *State v. Lytchfield*, 230 S.C. 405, 409, 95 S.E.2d 857, 859 (1957))); *Meggett*, 398 S.C. at 524, 728 S.E.2d at 496 ("A mistrial should be granted only when absolutely necessary and a defendant must show both error and resulting prejudice to be entitled to a mistrial." (quoting *State v. Bantan*, 387 S.C. 412, 417, 692 S.E.2d 201, 203 (Ct. App. 2010))).

AFFIRMED.¹

LOCKEMY, C.J., and HUFF and HILL, JJ., concur.

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