

**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.

Timothy Wayne Wheeler, Appellant.

Appellate Case No. 2017-000152

Appeal From Edgefield County
Eugene C. Griffith, Jr., Circuit Court Judge

Unpublished Opinion No. 2019-UP-307
Submitted June 1, 2019 – Filed August 28, 2019

AFFIRMED

Appellate Defender Taylor Davis Gilliam, of Columbia,
for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Deborah R.J. Shupe,
both of Columbia; and Solicitor Samuel R. Hubbard, III,
of Lexington, all for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Justus*, 392 S.C. 416, 418, 709 S.E.2d 668, 670 (2011) (stating
a defendant has the Sixth Amendment right to the assistance of counsel); *Thomas*

v. State, 346 S.C. 140, 143, 551 S.E.2d 254, 256 (2001) ("To establish a violation of the Sixth Amendment right to effective counsel due to a conflict of interest arising from multiple representation, a defendant who did not object at trial must show an actual conflict of interest adversely affected his attorney's performance."); *State v. Gregory*, 364 S.C. 150, 152, 612 S.E.2d 449, 450 (2005) ("An actual conflict of interest occurs where an attorney owes a duty to a party whose interests are adverse to the defendants."); *id.* at 152-53, 612 S.E.2d at 450 ("The mere possibility defense counsel may have a conflict of interest is insufficient to impugn a criminal conviction."); *Fuller v. State*, 347 S.C. 630, 634, 557 S.E.2d 664, 666 (2001) (finding no conflict in trial counsel's prior representation of one of the co-defendants); *Langford v. State*, 310 S.C. 357, 359-60, 426 S.E.2d 793, 795 (1993) (concluding counsel did not actively represent competing interests because there was no evidence counsel "advised either co-defendant to plead guilty in order to obtain more favorable consideration for the other" and "[t]he mere fact that [the co-defendant] would be available to testify against [the defendant did] not establish an actual conflict of interest").

AFFIRMED.¹

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

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