

**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.

John Henry Dial, Jr., Appellant.

Appellate Case No. 2014-002483

Appeal From Richland County
G. Thomas Cooper, Jr., Circuit Court Judge

Unpublished Opinion No. 2017-UP-339
Submitted May 1, 2017 – Filed August 9, 2017

AFFIRMED

Robert William Mills, of Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Assistant
Attorney General William M. Blicht, Jr. and Solicitor
Daniel E. Johnson, all of Columbia, for Respondent.

PER CURIAM: John Henry Dial, Jr. appeals the circuit court's order affirming his conviction in the magistrate's court for two counts of aggravated assault and his resulting sentence of sixty days' imprisonment. On appeal, Dial argues the circuit court erred by not reversing and remanding his case for a new trial because the magistrate's court failed to warn him of the dangers of self-representation. We

affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities: *Indigo Assocs. v. Ryan Inv. Co.*, 314 S.C. 519, 523, 431 S.E.2d 271, 273 (Ct. App. 1993) ("The circuit court, acting as an appellate court in a case heard by the magistrate, cannot consider questions that have not been presented to the magistrate."); *State v. Henderson*, 347 S.C. 455, 457, 556 S.E.2d 691, 692 (Ct. App. 2001) ("In criminal appeals from magistrate or municipal court, the circuit court does not conduct a *de novo* review, but instead reviews for preserved error raised to it by appropriate exception.").

AFFIRMED.

WILLIAMS and KONDUROS, JJ., and LEE, A.J., concur.

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