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.

Alqi Dhimo, Appellant.

Appellate Case No. 2018-000110

Appeal From Horry County
Steven H. John, Circuit Court Judge

Unpublished Opinion No. 2020-UP-031
Submitted January 1, 2020 – Filed February 5, 2020

AFFIRMED

Appellate Defender Joanna Katherine Delany, of Columbia, for Appellant.

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

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Odems*, 395 S.C. 582, 586, 720 S.E.2d 48, 50 (2011) ("[I]f

there is any direct or *substantial* circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury."); S.C. Code Ann. § 16-3-654(1)(b) (2015).("A person is guilty of criminal sexual conduct in the third degree if the actor engages in sexual battery with the victim and . . . [t]he actor knows or has reason to know that the victim is mentally defective, mentally incapacitated, or physically helpless and aggravated force or aggravated coercion was not used to accomplish sexual battery."); *State v. Reid*, 393 S.C. 325, 329, 713 S.E.2d 274, 276 (2011) ("To prove attempt, the State must prove that the defendant had the *specific intent* to commit the underlying offense, along with some *overt act*, beyond mere preparation, in furtherance of the intent."); *id.* ("In the context of an attempt crime, specific intent means the defendant intended to complete the acts comprising the underlying offense.); *id.* at 329-30, 713 S.E.2d at 276 (acknowledging that the question of whether an overt act was established depends largely upon the particular facts and circumstances, but further stating "[i]t is well settled that the 'act' is to be liberally construed, and in numerous cases it is said to be sufficient that the act go far enough toward accomplishment of the crime to amount to the commencement of its consummation" (quoting *State v. Quick*, 199 S.C. 256, 259, 19 S.E.2d 101, 102 (1942))); *State v. Tuckness*, 257 S.C. 295, 299, 185 S.E.2d 607, 608 (1971) ("The question of the intent with which an act is done is one of fact and is ordinarily for jury determination except in extreme cases where there is no evidence thereon."); *State v. Lee-Grigg*, 374 S.C. 388, 403, 649 S.E.2d 41, 49 (Ct. App. 2007) ("Intent is a question of fact and is ordinarily for jury determination.").

AFFIRMED.[1]

THOMAS, GEATHERS, and HEWITT, JJ., concur.

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