

**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.

Luther Brian Marcus, Appellant.

Appellate Case No. 2017-002623

Appeal From Pickens County
Edward W. Miller, Circuit Court Judge

Unpublished Opinion No. 2020-UP-085
Submitted February 1, 2020 – Filed March 25, 2020

AFFIRMED

Appellate Defender Victor R. Seeger, of Columbia, for
Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Joshua Abraham Edwards, both of
Columbia; and Solicitor William Walter Wilkins, III, of
Greenville, all for Respondent.

PER CURIAM: Luther Marcus appeals his conviction and three-year sentence for indecent exposure, arguing the trial court erred in denying his motion to suppress evidence derived from a global positioning system (GPS) device that was

placed on his vehicle. Marcus contends the affidavit submitted to obtain the warrant was invalid because it contained misstatements. Because Marcus failed to object to testimony about the GPS tracking device and when the trial court admitted the GPS tracking records, we affirm pursuant to Rule 220(b), SCACR, and the following authorities: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial [court]."); *State v. Mueller*, 319 S.C. 266, 268, 460 S.E.2d 409, 410 (Ct. App. 1995) ("Generally, a motion in limine seeks a pretrial ruling preventing the disclosure of potentially prejudicial matter to the jury."); *State v. Atieh*, 397 S.C. 641, 646, 725 S.E.2d 730, 733 (Ct. App. 2012) ("A ruling in limine is not final; unless an objection is made at the time the evidence is offered and a final ruling procured, the issue is not preserved for review.").

AFFIRMED.¹

LOCKEMY, C.J., and GEATHERS and HEWITT, JJ., concur.

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