

**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.

Dantae Stukes, Appellant.

Appellate Case No. 2012-211706

Appeal From Greenville County
C. Victor Pyle, Jr., Circuit Court Judge

Unpublished Opinion No. 2014-UP-027
Submitted October 1, 2013 – Filed January 22, 2014

AFFIRMED

George R. McElveen, III, of McElveen & McElveen, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Julie Kate Keeney, both of Columbia,
for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: *State v. Quarles*, 261 S.C. 413, 417, 200 S.E.2d 384, 386 (1973) ("A
motion to amend the date alleged in an indictment is addressed to the sound

discretion of the trial [court], and the burden of showing an abuse of discretion and resulting prejudice is upon the party adversely affected by [its] ruling thereon."); *State v. Means*, 367 S.C. 374, 387, 626 S.E.2d 348, 356 (2006) ("[A] motion to amend an indictment should be granted when the proposed amendment does not change the nature of the offense or affect the sufficiency of the indictment."), *abrogated on other grounds by Talley v. State*, 371 S.C. 535, 640 S.E.2d 878 (2007); *Morris v. State*, 371 S.C. 278, 283, 639 S.E.2d 53, 56 (2006) ("The trial court's refusal of a motion for continuance in a criminal case will not be disturbed absent a clear abuse of discretion resulting in prejudice to the appellant."); *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964) ("The matter of continuance is traditionally within the discretion of the trial [court], and it is not every denial of a request for more time that violates due process").

AFFIRMED.¹

FEW, C.J., and PIEPER and KONDUROS, JJ., concur.

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