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Jan 13 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No.: 2022-000622
Circuit Case No.: 2022-CP-10-03684

RUSSELL CRAWFORD,

Respondent,

v.

RAYMOND BABICH,

Appellant.

RESPONDENT'S RETURN IN OPPOSITION TO MOTION TO REVERSE EVICTION

COMES NOW, the Respondent, Raymond Babich ("Babich"), by his undersigned attorney of record, hereby files Babich's Return in Opposition to the Appellant's January 11, 2023 Motion to "Reverse" the April 26, 2022 Order of Circuit Judge R. Markley Dennis denying Appellant's Appeal of July 19, 2021 Order from Charleston Magistrate Mikell that granted Respondent Babich's Petition for Ejectment/Eviction. For the following reasons, it is respectfully submitted that the Appellant's Motion must be denied.

Argument

On or about January 11, 2023, Appellant filed a Motion to "Reverse" the same April 26, 2023 Order of Judge R. Markley Dennis that Appellant has challenged by filing a

Notice of Appeal in this appellate proceeding The parties in the process of preparing Final Briefs¹ to perfect the briefing on this Appeal.

Respondent respectfully submits that the proper procedure to challenge the April 26, 2022 Order of the Circuit Court upholding an Order of Eviction from Magistrate Mikell is to undergo the briefing process set forth under the S.C. Rules of Appellate Procedure. Counsel for Respondent Babich is unaware of any procedure which allows an Appellant to bypass the briefing process of an order under appeal before this Court in favor of obtaining substantive relief vacating that order on appeal by motion practice under S.C. Appellate Court Rule 224, governing motion practice before the Court of Appeals.

Conclusion

For the foregoing reasons, Babich respectfully requests that Appellant's Motion to Reverse the Circuit Court's Eviction Order be denied.

Dated: January 13, 2023

Respectfully submitted,

s/William B. Jung

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Attorney for the Respondent

¹ Respondent has filed a Motion to compel Appellant to include the actual July 19, 2021 Order of Magistrate Mikell in the Record on Appeal, as opposed to the incomplete and partial format of that Order which Appellant chose to include in the Record on Appeal. After this Motion was filed, an Notice issued from the Court that proceedings were stayed until a resolution of this Motion to Compel.

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PROOF OF SERVICE

I, William B. Jung, Esq., certify under penalty of perjury that on January 13, 2023, I served a copy of the Respondent's Return to the Appellant's Motion to Reverse Eviction by emailing and mailing a true and complete copy thereof the Appellant:

Raymond T. Crawford
4683 W. Montague Ave., Lot 3
North Charleston, S.C. 29418
russellcrawfordsc@gmx.com.

Dated: January 13, 2023

s/William B. Jung

William B. Jung, Esq. (#0068788)
Attorney for the Respondent