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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Hon. Jocelyn Newman, Circuit Court Judge

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Case No.: 2023-000290

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Kierra A. Hanson .....Appellant,

v.

CHA Lorick Circle Office-Amp 3 .....Respondent.

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CHA LORICK CIRCLE OFFICE- AMP 3’S RETURN  
IN OPPOSITION TO APPELLANT’S PRETITION

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**I. STATEMENT OF THE CASE**

Appellant is a tenant of the Respondent. Respondent filed the Application for Ejectment against Respondent on March 2, 2022, with the Richland County Waverly Magistrate’s Court. On March 4, 2022, the Richland County Sheriff’s Department posted the Rule to Vacate or Show Cause. On March 11, 2022, the Magistrate’s Court received a request for a hearing from Appellant. The Magistrate’s Court sent a summons for the hearing to the Appellant and Respondent, setting the hearing for March 30, 2022.

On March 30, 2022, Appellant and Respondent attended the hearing. Appellant and witnesses for the Respondent testified that Appellant had not been paying rent. The Magistrate’s

Court ruled that Respondent established grounds for a lawful eviction and ruled for Appellant to vacate the premises by April 17, 2022.

Appellant filed a Notice of Appeal with the Richland County Court of Common Pleas on April 12, 2022. The appeal was heard on December 16, 2022. Respondent failed to appear, but the Court heard arguments from Appellant. The Court took the matter under advisement. On February 1, 2023, the Court entered its Order affirming the Magistrate's Court ruling because the Court the Judge found no errors of law. Appellant then filed a Notice of Appeal to the Court of Appeals on March 1, 2023.

## II. STANDARD OF REVIEW

“[I]n ejectment proceedings first heard in magistrate's court, the Court of Appeals is without jurisdiction to reverse the findings of fact of the circuit court if there is *any* supporting evidence [emphasis added].” *Vacation Time of Hilton Head Island, Inc. v. Kiwi Corp.*, 280 S.C. 232, 233, 312 S.E.2d 20, 21 (Ct. App. 1984). “Unless we find an error of law, we will affirm the judge's holding if there are any facts supporting his decision.” *Hadfield v. Gilchrist*, 343 S.C. 88, 538 S.E.2d 268 (Ct. App. 2000).

However, as recognized in *Hadfield*, the Court of Appeals still retains de novo review of whether the facts show the circuit court's affirmance was controlled or affected by errors of law. *Hadfield*, 343 S.C. at 92-93, 53 S.E.2d at 270. Our Supreme Court, in *Stanford v. Cudd*, 93 S.C. 367, 76 S.E. 986 (1913), held that where the testimony is sufficient to sustain a judgment of the magistrate's court, and it is affirmed on appeal to the circuit court, this court will assume the circuit court affirmed the judgment on the merits, in the absence of facts showing the affirmance was controlled or affected by errors of law.

Under South Carolina Code Ann. 27-37-10 a tenant may be ejected upon application of the landlord when the tenant fails or refuses to pay the rent when due or when demanded.

### **III. ARGUMENT**

The testimony in the Magistrate's Court hearing on March 30, 2022, indicated facts sufficient for the Court of Common Pleas to uphold the finding for ejection in the Magistrate Court action. Under South Carolina Code Ann. §27-37-10, failure to pay rent is grounds for ejection of a tenant. Pursuant to the Return of the Civil Appeal filed by the Magistrate's Court on May 10, 2022, both the Respondent and Appellant testified that Appellant had not been paying rent. Therefore, no error of law was made by the lower courts, and facts exist to support their decisions. As such, the Court of Appeals must affirm the lower court's ruling. *Hadfield v. Gilchrist*, 343 S.C. at 94, 538 S.E.2d at 271 (Ct. App. 2000).

### **CONCLUSION**

For the reasons stated herein, the lower court did not err in affirming the Magistrate's Court's ejection of Appellant. The lower Court's order should be affirmed.

Respectfully submitted,

s/Brian A. Autry  
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March 9, 2023  
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