

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Town of Sullivan's Island, Petitioner,

v.

Michael Murray, Respondent.

Appellate Case No. 2021-001260

ON WRIT OF CERTIORARI

Appeal From Charleston County
Kristi Lea Harrington, Circuit Court Judge

Opinion No. 28153
Submitted April 3, 2023 – Filed April 26, 2023

AFFIRMED IN RESULT

John Joseph Dodds, III, of The Law Firm of Cisa & Dodds, LLP, of Mt. Pleasant; and George Trenholm Walker and John Phillips Linton, Jr., of Walker Gressette Freeman & Linton, LLC, of Charleston, all for Petitioner.

Mary Duncan Shahid, of Nexsen Pruet, LLC, and Stephen Peterson Groves, Sr., of Butler Snow, LLP, both of Charleston, for Respondent.

PER CURIAM: Respondent was convicted in a municipal court bench trial of violating Sullivan's Island Town Code sections 21-75 and 5-10 (the ordinances).

The municipal court imposed a \$1040 fine as punishment. On direct appeal, the circuit court affirmed the conviction. The court of appeals reversed, holding the ordinances were unconstitutionally vague and failed to provide Respondent with fair notice his actions would result in a criminal violation. In addition, the court held the Town of Sullivan's Island failed to present evidence the dock built by Respondent interfered with navigation or extended into the channel in violation of the ordinance. *Town of Sullivan's Island v. Murray*, 435 S.C. 22, 864 S.E.2d 909 (Ct. App. 2021).

Because we agree with the court of appeals that there was no evidence Respondent violated any provision of the ordinance, we affirm the result of the court of appeals opinion reversing Respondent's conviction.

AFFIRMED IN RESULT.

BEATTY, C.J., KITTREDGE, FEW, JAMES and HILL, JJ., concur.