

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Dec 15 2023

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Bentley Price, Circuit Court Judge

Case No. 2023-CP-10-01941

Town of Sullivan's Island,

Respondent,

v.

Meredith Whitehurst,

Appellant.

NOTICE OF APPEAL

Meredith Whitehurst appeals the order of the Honorable Bentley Price dated December 12th, 2023, affirming her conviction in the Town of Sullivan's Island Municipal Court. This Notice of Appeal is filed with the South Carolina Supreme Court pursuant to Rule 203(d)(1)(A)(ii) as the appeal involves constitutional challenges to certain provisions of a municipal ordinance on First Amendment, Due Process, and other procedural grounds.

December 15th, 2023.

s/ C. Austin Elliott

C. Austin Elliott, Esq.

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cc: South Carolina Attorney General's Office

Attorneys for Respondent

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	Case Number: 2023-CP-10-01941
COUNTY OF CHARLESTON)	
MEREDITH LOGAN)	
WHITEHURST,)	
)	ORDER DENYING APPEAL
Appellant/Plaintiff,)	
vs.)	
)	
TOWN OF SULLIVAN’S ISLAND,)	
)	
Appellee/Defendant.)	
_____)	

THIS MATTER came to be heard by me on November 16, 2023 pursuant to a Notice of Appeal and Memorandum In Support filed herein on April 20, 2023 and an Amended Notice of Appeal and Memorandum In Support filed on November 15, 2023, as well as Appellee’s Notice of Motion and Motion to Dismiss Appeal filed on April 27, 2023. Present at the Hearing was C. Austin Elliott, Esquire, Attorney for Appellant, Meredith Logan Whitehurst (“Appellant”), and John J. Dodds III, Esquire, Attorney for Appellee, Town of Sullivan’s Island (“Town”). Appellee’s Motion to Dismiss Appeal was denied by the Court after arguments by the attorneys, respectively. The Court then heard argument regarding the Appeal and Amended Appeal filed by Appellant.

After carefully reviewing the Return filed by Sullivan’s Island Municipal Court Judge Francis J. Cornely on May 23, 2023, the Notice of Appeal and Memorandum In Support filed herein on April 20, 2023, the Amended Notice of Appeal and Memorandum In Support filed on November 15, 2023, the Disorderly Conduct Ordinance for the Town of Sullivan’s Island, the cases and other written materials submitted by the attorneys, respectively, and after carefully considering the oral arguments of the attorneys, respectively, the Court finds and concludes as follows:

ONE: This Court has jurisdiction over the subject matter of this action and the parties hereto;

TWO: Appellant was convicted by a jury in Sullivan’s Island Municipal Court of Disorderly Conduct on March 21, 2023;

THREE: In criminal appeals from municipal court, the circuit court does not conduct a de novo review; rather, it reviews the case for preserved errors raised to it by appropriate exception.

Section 14-25-105, Code of Laws of South Carolina, 1976, as amended. Town of Mt. Pleasant v. Roberts, 393 S.C. 332, 713 S.e.2d 278 (2011); and

FOUR: After careful consideration of the entire record in this matter, as well as the arguments of the attorneys for the parties, respectively, the Municipal Court Judge made no error of law and, accordingly, the Notice of Appeal and Amended Notice of Appeal are hereby dismissed.

AND IT IS SO ORDERED!

Bentley Price
Circuit Court Judge



Charleston Common Pleas

Case Caption: Meredith Logan Whitehurst VS Sullivans Island Town Of

Case Number: 2023CP1001941

Type: Order/Other

IT IS SO ORDERED!

/s Hon. Bentley D. Price, Circuit Judge 2766