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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Commons Pleas

Perry H. Gravely, Circuit Court Judge
Civil Case No: 2023-CP-23-03267
Magistrate Case No: 2018CV2311000074

Appellate Case No: 2023-001585

Bruce Wilson,....., Appellant,

v.

Joseph Hunter Bledsoe,....., Respondent.

APPELLANT'S INITIAL BRIEF

Bruce Wilson
14 Freestone St
Greenville SC 20605
(864) 907-7080

APPELLANT

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STATEMENT OF THE ISSUES ON APPEAL

- I. DID THE CIRCUIT COURT JUDGE ERROR IN DISMISSING APPELLATE’S, MAGISTRATE COURT APPEAL, DUE TO LACK OF RECEIPTS, OR CREDIT CARD STATEMENTS TO PROVE OWNERSHIP OF THE REQUESTED PROPERTY AFTER THE JURY HAD FOUND IN FAVOR OF THE APPELLATE?

- II. DID THE MAGISTRATE COURT JUDGE ERROR IN NOT ENTERING A JUDGMENT IN THE AMOUNT/VALUE STATED BY APPELLATE AT THE REMANDED JUDGMENT HEARING ON THE CLAIM AND DELIVERY CASE BECAUSE APPELLANT DIDN’T HAVE PURCHASE RECEIPTS TO PROVE OWNERSHIP?

- III. DOES SOUTH CAROLINA STATUTE §22-3-1460, REQUIRE THE PRESENCE OF SALES RECEIPT, CREDIT CARD RECEIPTS, OR ANY OTHER PROOF OF PURCHASE IN A CLAIM AND DELIVERY BEFORE JUDGMENT AND AFTER A JURY VERDICT IN FAVOR OF THE COMPLAINING PARTY?

STATEMENT OF THE CASE

This case is related to a Claim and Delivery that was filed on January 5, 2017, in Gantt Magistrate Court in Greenville SC, where Appellant was attempting to retrieve personal items to include “All” of his removed clothing and other personal items, from the Respondent. After a jury trial, the jury found in-favor of the Appellant, however, the magistrate judge dismissed the case stating that appellant did not specify the property nor its value, and Appellant appealed; Circuit court judge reversed the ruling of the magistrate court stating the magistrate should have referred back the pleadings/complaint to obtain the specific items and or their value has a detailed three (3) page list describing the property with pricing was attached, and remanded for additional hearing to quantify the personal property and or its value. An additional hearing on the judgment was held and appellant testified to the property and its value as well as submitting a detailed list describing the property that included a pricing guide for the property, and the magistrate judge ruled that the Respondent could not be assessed the cost for the property are its value because appellant failed

to produce any purchase receipts for the property, irrespective of the jury's verdict in favor of the appellant. Appellant once again appealed to the Common Pleas court and upon a hearing on August 29, 2023, the Honorable Judge Perry H. Gravely agreed with the magistrate judge after taking the matter under advisement, ruling that appellant needed to prove ownership of the property by producing sales receipts, credit card receipts or other preponderance of evidence, and thereby, dismissed Appellant's appeal.

STATEMENT OF FACTS

On or about June 19, 2017, the Respondent Joseph Bledsoe and Appellant's ex-wife Yolanda Barnes and Appellant's ex-wife's brother, Quinnon Harris removed all of Appellant's personal clothing and other personal items from Appellant's residence. The removal of the items came after the Respondent had been released from the county jail after been charged with 1st degree assault on the Appellant and two of Appellant's family member, Ms. Gloria Thompson, and Ms. Glormanda Wilson.

On January 5, 2018, Appellant filed a Claim and Delivery complaint with Gantt magistrate court, case number: 2018CV2311000074, naming three (3) individuals; Yolanda Barnes, Quinnon Harris and Respondent Joseph Bledsoe. Appellant utilized a court approved complaint form (SCCA/726) and Appellant included a detailed itemized list of the removed property to include pricing of each item. The magistrate accepted Appellant's complaint but failed to sign the complaint form. The attached detailed list of property included 15 categories of items with the name of the items and the number/amount of the missing items plus pricing.

On February 23, 2018, and after the magistrate court had accepted Appellant's complaint as is, the court entered preliminary orders to the Defendants/Respondent; (1) Order Restraining

Damaging Concealing or Removing Property Pending Trail; (2) Notice of Right to A Preseizure Hearing.

Respondent, Bledsoe was served with the complaint on March 2, 2018; while the other two Defendants could not be located for execution of service. On March 27, 2018, Respondent Bledsoe through counsel demanded a Preseizure Hearing. At some point the Respondent filed an answer to the complaint and demanded a jury trial.

After not being able to serve Co-Defendant Quinon Harris with the complaint, Appellant moved to dismiss the complaint against Co-Defendant Harris and later moved to have the complaint dismissed against Co-Defendant Barnes.

Respondent Bledsoe remained the lone Defendant, and after several pre-trial motions a jury trial was conducted on August 23, 2022, ending in a mistrial. A second jury trial was conducted on October 25, 2022, and ended with a verdict in favor of Plaintiff/Appellant.

After the jury's verdict the magistrate Judge entered a Judgment Notwithstanding the Verdict (JNOV) and dismissed Appellant's civil case. Appellant appealed the magistrate court's decision to the Court of Common Pleas case number: 2023-CP-23-05907. The appeal was heard on January 26, 2023, before the Honorable Judge Perry H. Gravely and on March 20, 2023, Judge Gravely enter an order Reversing and Remanding the case back to the magistrate court. Judge Gravely acknowledged that the magistrate should have referred back to the complaint for an entry of judgment and that a three (3) page detailed itemized list was attached to the complaint/affidavit; however, the affidavit was not notarized.

On June 7, 2023, an evidentiary hearing was held in front of Magistrate Court Judge Sim. Appellant represented himself at the hearing and Respondent represented Mr. Ryan McCarty.

Appellant testified that the list that was attached to the complaint was true and correct and the listed amount of \$ 7,103.00 was the value of the property that was being withheld by the Respondent. Appellant articulated the listed property to include the amount of the property. Respondent did not object to the introduction of the list.

On June 20, 2023, the Magistrate Court Judge entered an order in-part dismissing Appellant's Judgment from the jury trial and from the remand to zero property and zero cost to Respondent, contending that that Appellant had not proving ownership or pricing of the property and that the Appellant had not rendered any Receipts for the missing property.

Appellant appealed the magistrate court judge's order to the Court of Common Pleas, case number: 2023-CP023-03267 and a hearing was scheduled before the Honorable Judge Perry H. Gravely on August 28, 2023. Attending the hearing was Appellant representing himself, and Ryan McCarty representing the Respondent.

At the appeal hearing, Appellant testified that he did attest to the affidavit and the detailed attached list [AT pp. 5, Line 15-15]; Appellant further testified that he believed that the remanded hearing was for the sole purpose for the Appellant to attest to the detailed list has stated by Judge Gravely in is remand order, [AT pp. 6, Line 3-5]. Appellant went on to tell the Court at the Appeal's hearing that, "he had reviewed the claims and delivery statute for South Carolina, and that he did not see where the statue would require him to have receipts or credit card statements has indicated by the magistrate court order," [AT pp.6, Line 6-10]. During the appeal hearing, Appellant explained to the court that the magistrate judge's order stated that the Appellant had not proven ownership of the property, even though the jury had found in favor of the Appellant, [AT pp. 6, Line 22-25]. At one point respondent's counsel admitted the to circuit court judge at the appeal's hearing that the appellant testified to the value of the property at the remand hearing, [AT pp. 9,

Line 18-19]. Due to the magistrate court's deficient Appeal Return, the circuit court judge took the matter under advisement.

STANDARD OF REVIEW

In an appeal from an appeal of a Magistrate's decision, the Court of Appeals reviews de novo whether the facts show the circuit court's affirmance was controlled or affected by errors of law. *Hadfield v. Gilchrist*, 343 S.C. 88, 92-93, 538 S.E. 2d 268, 270 (Ct. App. 2000). Where testimony is sufficient to sustain a judgment of the magistrate's court, and it is affirmed on appeal to the circuit court, the Court of Appeals 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. *Stanford v. Cudd*, 93 S.C. 367, 370, 76 S.E. 986, 987 (1913). See also, *Bowers v. Thomas*, 373 S.C. 240, 244, 644 S.E.2d 751, 753 (Ct. App. 2007).

The standard of review to be applied by a circuit court in an appeal of a magistrate's judgment is prescribed by section 18-7-170 of the South Carolina Code: Upon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact. S.C. Code Ann. § 18-7-170 (1985); see also *Hadfield v. Gilchrist*, 343 S.C. 88, 92-93, 538 S.E.2d 268, 270 (Ct.App.2000); *Burns v. Wannamaker*, 281 S.C. 352, 357, 315 S.E.2d 179, 182 (Ct.App.1984).

While the circuit court maintains a broad scope of review, Court of Appeals standard is more limited: [T]he Court of Appeals will presume that an affirmance by a Circuit Court of a magistrate's judgment was made upon the merits where the testimony is sufficient to sustain the judgment of the magistrate and there are no facts that show the affirmance was influenced by an

error of law. *Burns*, 281 S.C. at 357, 315 S.E.2d at 182; *see also Price v. Charleston & W.C. Ry. Co.*, 93 S.C. 576, 578, 77 S.E. 703, 703 (1913); *Stanford v. Cudd*, 93 S.C. 367, 370, 76 S.E. 986, 987 (1913). “Unless we find an error of law, we will affirm the judge's holding if there are any facts supporting his decision.” *Hadfield*, 343 S.C. at 94, 538 S.E.2d at 271.

ARGUMENTS

The magistrate court judge and the circuit court judge made rulings and entered court orders that go against South Carolina law and such rulings were a mistake in Law. The magistrate court judge erred in not entering a judgment in favor of the appellant as prescribed by South Carolina law. The circuit court judge erred in not entering a judgment in favor and or dismissing appellant’s appeal for not proving ownership after that question had been resolved by an impaneled jury who rendered a verdict in favor of the appellant; such actions go against South Carolina law; S.C. Code Ann § 18-7-170 (1985) and S.C. Code Ann. § 18-7-190 (1985).

IV. DID CIRCUIT JUDGE ERROR IN DISMISSING APPELLATE’S, MAGISTRATE COURT APPEAL, DUE TO LACK OF RECEIPTS, OR CREDIT CARD STATEMENTS TO PROVE OWNERSHIP OF THE REQUESTED PROPERTY AFTER THE JURY HAD FOUND IN FAVOR OF THE APPELLATE?

The initially reviewed of this case under the magistrate’s appeal to the Common Pleas Court, that was filed by the Appellate would show that the common pleas’ judge concluded that the dismissal of the Appellant’s claims and delivery case was not proper as the magistrate judge conclude that he Appellate did specify specifically the property are its value to the jury; as such the magistrate judge dismissed the case after the jury’s verdict which was in-favor of the Appellant under “Judgment Notwithstanding the Verdict (JNOV); The common pleas Judge was detailed in his explanation and order on remand that the magistrate court judge should have referred back to the complaint/pleadings, “As to the first position-that the verdict does not sufficiently identify the

property-it is sufficient to say there was no issue of identity, but, on the contrary, the property was very clearly identified by the pleadings, to which the verdict will be referred.” *Bossard v. Vaughn*, 68 S.C. 96, 46 S.E. 523, 524 (1904).

The court went on to state that the original filed complaint was not notarized, and therefore, the detailed list of property to include pricing was not attested to under some form of Oath. S.C. Code Ann. § 22-3-1320 (1976) requires a Claim and Delivery complaint to be made proof by affidavit before any process, she’ll be issued in an action.

Appellate, properly initiated the complaint for a claim and delivery as prescribe by the statute; however, the magistrate failed to sign the complaint form which is provided under South Carolina judicial forms and approved by such, form (SCCA726) that has a specific area for the magistrate judge to sign, and or a notary to sign; once the magistrate failed to sign this complaint, the magistrate did allow the process to proceed and accepted the complaint as is and initiated a filed complaint. This would include entering several orders related to the file complaint, accepted pretrial motions, and scheduling a jury trial, and conducted a jury trial, and in-where the jury found in-favor of the appellate. Appellate would assert that each requirement of the statue, and was proper and accepted by the magistrate. However, the circuit judge on the appeal reiterated that the affidavit was not notarized and remanded the case back to the magistrate court, for entry of judgment hearing, and for the appellate to attest under oath to the property, and or its value. During the hearing Appellate once again, relied on the detail list which had the named items along with the value of each named, item and appellant attested to and affirmed that each item was correct.

Once again, the magistrate court judge ruled that the appellate had not met his obligation of proving ownership or value of the property, even though he testified at the hearing to the value of \$7,103; the magistrate court judge once again failed to enter a judgment with the amount or

value of the property as testified to by appellate; however, such failure departs from this court's prior ruling on similar issues like those of "*Jackson v. Rooms To Go Furniture*," unpublished, "The court did not allow Jackson to enter the estimates into evidence; however, it did allow her to state how much she thought it would cost to repaint the walls and replace the carpet. "It is the well-settled law of this state that an owner may testify as to the value of damaged real and personal property." *Waites v. S.C. Windstorm & Hail Underwriting Assocs.*, 279 S.C. 362, 366, 307 S.E.2d 223, 225 (1983); *see also Nelson v. Coleman Co.*, 249 S.C. 652, 659–60, 155 S.E.2d 917, 921 (1967); *Howell v. State Hwy. Dep't*, 167 S.C. 217, 225, 166 S.E.2d 129, 132 (1932). *Jackson v. Rooms To Go Furniture*, No. 2008-UP-434, 2008 WL 9844662, (S.C. Ct. App. Aug. 4, 2008).

Once the jury had found in favor of the Appellant, and the Respondent. not showing a willingness to return the property, the property would have been considered destroyed or detained. Therefore, the Appellant should have prevailed with his pronounced and testified loss of \$7103. Which he testified to at the hearing. The hearing was conducted on reliance of, *Id. Broussard v. Vaughn*, the judgment hearing should have fell on the reliance of *Jackson v. Rooms To Go Furniture*, UP. And the Magistrate Court should have entered, the requested judgment.

This brings us back to the magistrate court order which escaped awarding the testified value of the property to the appellant and the appellant appealed the magistrate court's order to the Court of Common Pleas. A magistrate court appeal should be held with the utterance of seeking justice and not subverting such. Upon hearing the appeal, the circuit court judge shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. At the magistrate court appeal hearing the appellate and respondent's counsel testified that the appellant stated on the record the value of the property. At the point and with

proper jurisdiction the Circuit Court Judge should have entered a judgment for the appellate for the testified value of \$7,103. At the magistrate court appeal hearing, respondent's counsel testified that the appellant submitted testimony to the value of the property [AT pp. 9, Line 13-16]. Further respondent's counsel testified that the appellant had not submitted anything that would show ownership of the property, [AT pp. 9, Line 18-19], such testimony negates the Jury's Verdict.

Circuit Court Judge wrote the following in his order dismissing appellant's magistrate court appeal "Mr. Wilson, as the Plaintiff, has the burden to prove his case by a preponderance of the evidence and to establish the items taken and/or their values, but he failed to do so. Since Mr. Wilson failed to establish the items taken or their value, then the Court has no avenue to enforce the jury's verdict or issue any judgment based on the jury verdict." Appellant pronounced under oath the value of the property and under *Jackson v. Rooms To Go Furniture*, No. 2008-UP, judgement could have been entered per Appellant's assertion of value, "Rooms To Go argues the circuit court erred by failing to reverse the magistrate's judgment because the magistrate allowed Jackson to refer to written estimates of her damages, which Rooms To Go contends was inadmissible hearsay. We disagree." *Jackson v. Rooms To Go Furniture*, No. 2008-UP-434, 2008 WL 9844662, (S.C. Ct. App. Aug. 4, 2008).

Appellate appealed the magistrate court's decision to Common Pleas Court, and on appeal Circuit Court Judge agreed with the magistrate court judge, that the appellate needed receipts, and or credit card statements to prove ownership, despite a finding from a jury that Appellant properly owned the claimed property; thereby disregarding S.C. Code Ann § 22-3-1460 (1976) and S.C. Code Ann § 22-3-1470 (1976). Such ruling and or finding goes against the testimony at the appeal hearing.

During the magistrate court appeal hearing respondent's counsel conceded that respondent did not have the request property, and this concession comes after the jury's verdict, [AT pp. 8, Line 3-8]; comments from respondent's counsel would indicate that the property would not be returned to appellant and therefore, the property would fall under the umbrella of Damages and or Unlawful Detention and as such appellant should have been awarded damages or the value of the said property by the circuit court judge at the magistrate court's appeal hearing. The court did remind respondent's counsel that the jury did find that respondent was responsible for appellant's property, [AT pp. 8, Line 25] and counsel agreed, [AT pp. 9, Line 1].

Statements by respondent's counsel at the magistrate appeal hearing, directly indicate that the appellant testified to the value of the property, [AT pp. 9, Line 12-16]. Appellant's testimony regarding the value of the property systematically put appellant in a similar posture as *Id. Jackson v. Rooms To Go Furniture*, where Jackson testified to the value of her property, without such Receipts or proof of Purchase and were the court accepted such testimony and entered judgment accordingly to said testimony. Testifying to the value of personal property is well cemented in South Carolina case law.

V. DID THE MAGISTRATE COURT JUDGE ERROR IN NOT ENTERING A JUDGMENT IN THE AMOUNT/VALUE STATED BY APPELLATE AT THE REMANDED JUDGMENT HEARING ON THE CLAIM AND DELIVERY CASE BECAUSE APPELLANT DIDN'T HAVE PURCHASE RECEIPTS?

To prove a claim and delivery claim in South Carolina, you would typically need to show the following elements:

1. Ownership or right to possess the property: You must establish that you have the legal right to possess the property in question.

2. Unlawful possession by the defendant: You must demonstrate that the defendant is in unlawful possession of the property and has failed to return it to you despite your demand.
3. Demand for return: You need to show that you have demanded the return of the property from the defendant, either orally or in writing.
4. Refusal to return: You must provide evidence that the defendant has refused to return the property or has failed to comply with your demand.
5. Value of the property: You should be able to quantify the value of the property being claimed.

Entry of Judgment on Claim and Delivery: S.C. Code Ann § 22-3-1460 (1976) outlines the process of entering a judgment on a claim and delivery, and such statute is void of any requirement that Sales Receipts must be present to prove ownership of said property in a claim and delivery, therefore, after a jury's verdict, all of the above would fall under the umbrella of the jury's verdict as the jury would be the sole fact finders when a claim and delivery is presented to a jury. The appellate need not prove ownership or convince a judge by preponderance of the evidence of ownership once a jury verdict has been rendered. It is unrealistic for a magistrate court judge or circuit court judge to insist, or require a prevailing party to produce sales receipt, credit card statements, credit card receipts, or any form of additional evidence to prove ownership after the jury's verdict is in-favor of the complaining party; inasmuch that S.C. Code Ann § 22-3-1460 (1976) does not require any form of sales receipt or credit card statement for an issuance of a judgment.

After the remanding hearing to impose judgment, from common pleas court, in where Appellant stated verbally and with a detailed property list to include pricing, the magistrate judge wrote in her order dated June 20, 2023, the following:

Magistrate Court Order in-part:

“The Plaintiff argued all items were purchased within the prior year of the incident [*incident date June 2017*] leading up to the dispossession of his property, and that all items were new or in like-new condition. The Plaintiff provided the court with a list of items sought, claiming a value of \$7,103.00, which included a depreciated value of 37%. The Plaintiff testified that the value placed on the items listed was obtained from his own “Google” research.”

“Defense counsel argued that the Plaintiff failed to **prove** to the court the value of items sought. No receipts, credit card statements, etc. had been offered to show **proof of purchase, ownership** or **value** of the items.

Upon review of the Plaintiff’s list of items sought and hearing arguments from both parties, it is this Court’s position that no item sought by the Plaintiff can be positively or uniquely identified. It is also this Court’s position that in absence of proper personal property identification, it was impossible to arrive at a value for said items or establish ownership. Based on the testimony and evidence provided, the Plaintiff has failed to provide specific details, descriptions and values of items sought.”

The Court further stated that the detailed list that Appellate introduced and testified to at the hearing could be utilized by the Constable to take possession of the property.

Magistrate Court Order in-part:

“IT IS THEREFORE ORDERED THAT the Constable shall take possession or supervise the removal of the property described (see attached list), located at 14 Freestone St, Greenville SC 29605.”

It's not understandable how the magistrate court judge can disregard the list when it comes to description and value but then order the Constable to utilize the list for removal purposes. The magistrate's own Order discredits the magistrate's findings.

Either way the Appellate had a right to receive his property back or receive damages for its detention, "The plaintiff had a right to demand either damages for the taking and detention, as in trover for conversion, or the return of the property with damages. The code has not changed the rights of parties in this respect. The provisions of Section 301 of the code apply to a judgment awarding possession of personal property, not to a case where the plaintiff is entitled to general damages. It is for the plaintiff to elect which form of remedy he will pursue. It cannot be objected that the plaintiff's demand in the trial justice's court, being for the recovery of a wagon and harness, and damages for detention thereof, it therefore bound him as an election as to the form of judgment. Whether a complaint in a court of record could have that effect need not be considered, but no such effect can be claimed for informal pleadings in a trial justice's court. The case, then, should proceed to judgment according to the rights of the parties, *Joplin v. Carrier*, 11 S.C. 327, 329 (1879)."

What cannot be lost is the fact that the Appellate testified to the value of the property and placed into evidence a detailed list, that even the Circuit Judge on remand acknowledged was detailed. Once Appellate testified to the value of the property the magistrate judge should have entered judgment as stated by the Appellate, as Appellate would have been correct to state the value of said property without the need to prove ownership by sales receipts or credit card receipts, *Jackson v. Rooms To Go Furniture*, No. 2008-UP-434, 2008 WL 9844662, (S.C. Ct. App. Aug. 4, 2008).

Notwithstanding, if the magistrate court judge was unmoved by the testimony of the Appellant at the remand hearing and was unwilling to acknowledge the detailed list of property to include an in-depth description of said property with actual pricing which Appellant introduced at the hearing, how is it then possible for the that judge to include the Detailed Property List with her order; this rationale is blatantly lost. The Property list was not sufficient for entry of judgment, but it was sufficient to include with the order and a reference in the order to referer to the list for the purpose of securing the property upon locating said property.

VI. DOES SOUTH CAROLINA CODE ANN. § 22-3-1460 (1976), REQUIRE THE PRESENCE OF SALES RECEIPTS, CREDIT CARD RECEIPTS, OR ANY OTHER PROOF OF PURCHASE IN A CLAIM AND DELIVERY JUDGMENT AFTER A JURY VERDICT IN FAVOR OF THE COMPLAINING PARTY?

In this cause, the appellant, in a claim and delivery dispute, the magistrate court and circuit court's assertion that receipts were necessary to prove ownership of property contradicts the fundamental purpose of a jury trial. A jury, consisting of impartial individuals, carefully examined the evidence presented by both parties and rendered a verdict in favor of the appellant. Their decision signifies that they found the evidence provided by Appellant convincing enough to establish his ownership of the disputed items and judgment should have been entered in favor of appellant as provide by S.C Code Ann § 22-3-1460 (1976), which does not require sales receipts before implementation.

While receipts can serve as a convenient means of proving ownership, they should not be considered the sole determining factor. It is essential to recognize that not all individuals possess or retain receipts for every item they own, particularly in cases where the items have been acquired over a long period or through various means. Placing an undue burden on plaintiffs to produce receipts would unfairly disadvantage those who lack such documentation but nevertheless have a

legitimate claim to ownership, especially after a jury's decision as the sole fact finders in a jury trial.

Moreover, it is crucial to consider alternative forms of evidence that can effectively demonstrate ownership. For instance, appellant could present witness testimonies from individuals who can verify his possession and use of the disputed items. These witnesses could testify to their personal knowledge of appellant's ownership without relying solely on the existence of receipts. Additionally, documentation such as photographs, emails, or correspondence related to the items could further support appellant's claim but is not mandated under South Carolina law.

By emphasizing the jury's decision, we uphold the principle that they are the ultimate arbiters of fact in a trial. Their determination should not be undermined by a requirement for additional documentation that may not always be readily available or necessary. The purpose of a jury trial is to assess the credibility of all evidence presented, including the testimony of witnesses and the overall context in which the ownership claim is made.

In South Carolina, all complaining parties must prove their case by a preponderance of the evidence, but once a jury has rendered its verdict in favor of the complaining party such preponderance is dissolved.

Therefore, the magistrate and circuit court's insistence on receipts as the sole evidence of ownership is an overly strict interpretation of the law that disregards the legitimate verdict reached by a jury. It is crucial to prioritize the overall assessment of evidence and ensure that individuals like the appellant are not unduly impeded in seeking justice for their rightful claims. As no South Carolina statute or case law requires such receipts.

Upon careful examination of S.C Code Ann. § 22-3-1460 (1976), it becomes apparent that it does not explicitly mandate the use of sales receipts as the sole means of proving ownership.

The statute states that individuals must provide evidence of ownership, but it does not specify the particular document types or methods required. This leaves room for alternative forms of substantiating ownership claims.

The intent behind this statute is to establish a flexible approach, allowing individuals to present any valid documentation or evidence that proves their ownership. This could include but is not limited to, sales receipts, bills of sale, purchase agreements, title certificates, or any other legal documents that establish a rightful ownership claim. Therefore, sales receipts are not the exclusive means of proving ownership under S.C Code Ann. § 22-3-1460 (1976),.

S.C Code Ann. § 22-3-1460 (1976), does not require sales receipts as the only acceptable form of proof of ownership. The statute allows for flexibility in the types of evidence that can be presented to substantiate ownership claims.

CONCLUSION

Judgment in actions for claim and delivery “The judgement for the plaintiff may be for the possession, the recovery of the possession or the value thereof in case a delivery cannot be had and for damages for the detention. If the property has been delivered to the plaintiff and the defendant claim a return thereof, judgment for the defendant may be for a return of the property or the value thereof in case a return cannot be had and damages for taking and withholding the property. S.C Code Ann. § 22-3-1460 (1976). This section of South Carolina law is devoid of any mentioning of proving ownership by way of purchase receipts or credit card statements, in fact once the jury has rendered its verdict the question of ownership is longer, and the implementation of judgment ensues has provided by statute.

It is accordingly respectfully requested that the Order of the Greenville County Magistrate court and are the Order of Greenville County Circuit Court dismissing appellant’s appeal be

reversed and this case remanded back to the Greenville County Court of Common Pleas for further proceedings.

Respectfully submitted,



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January 5, 2024

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Commons Pleas

Perry H. Gravely, Circuit Court Judge
Case No.: 2023-CP-23-03267

Appellate Case No: 2023-001585

Bruce Wilson,....., Appellant,

v.

Joseph Hunter Bledsoe,....., Respondent.

CERTIFICATE SERVICE

I hereby certify that on January 5, 2024, I served a copy of APPELLANT’S INITIAL BRIEF via United States Mail, prepaid and addressed to:

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