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SC Court of Appeals

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

COMMON PLEAS CASE NUMBER

STATE OF SOUTH CAROLINA)

2023-CV-4310101594

COUNTY OF SUMTER)

MAGISTRATE CIVIL CASE NUMBER

Randal K Freeman & Jenna B Freeman)

IN THE COURT OF COMMON PLEAS

APPELLANT(S))

VS.)

NOTICE OF CIVIL APPEAL

David Bryan Trapp)

RESPONDENT(S))

The plaintiff/defendant (circle one), Randal K Freeman & Jenna B Freeman hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of SUMTER.

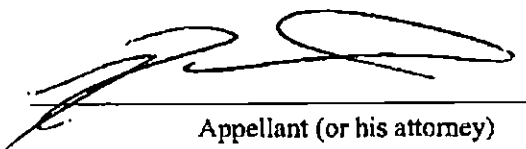
This notice of appeal is made subsequent to personal notice of the judgment which was received on the 22nd day of February , 2024.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

On 02/22/2024 Judge Bryan. K Griffin ordered a reissue of Writ of Ejectment in case# 2023-CV-4310101594. The Appellants state the Writ of Ejectment is illegal and violation of: §§ 27-37-60, 27-37-80. A hearing was held on 08/11/2023 and the appellant (The Tenant) showed cause and requested a trial by Jury. Per §27-40-790 no order was entered to set bond during trial and appellant hereby states all monies paid in escrow to the court were at the direction of his attorney pending said order. The appellant attempted over three months to get a copy of said order(s). A order is effective only when so set forth and entered in the record. Rule 58(a) SCRPC. An order is not final until it is entered by the clerk of court; and until the order or judgment is entered by the clerk of the court, the judge retains control of the case. Bowman v. Richland Mem'l Hosp., Judge Griffin claims he ordered the bond set at 1600.00 starting September 1st, 2023. but failed to sign and file any order with the clerk. A clear violation of SC Rule 58(a) and the appellants right to fair jury trial. November 8th, 2023, the appellant attempted to continue to make escrow payment and was denied. A finding of fact hearing was held by Judge Griffin 02/14/2024 per Form 4 remand order by Judge Cothran on 01/30/2024. The Clerk Ms. Yates testified under oath she did indeed see Randal Freeman on 11/08/2023 and admitted she could not find any order dated before 11/08/2023 in the electronic system nor the physical case file. Judge Bryan Griffin ordered illegally on 02/22/2024 that a Writ of Ejectment be reissued, stating failing to pay November 2023 and February 2024. Per an order dated 12/07/2023 (Attached Exhibit A) the appellant was instructed to pay November 2023, December 2023, and January 2024. Said payments were made and can be verified in (Attached Exhibit B).

The appellant hereby asks the court to reverse the decision dated 02/22/2024 by Judge Bryan Griffin, as the appellant did not fail to post bond, as no order of bond was ever signed by or entered by the clerk prior to the 12/7/2023 per §27-40-790. In conclusion appellants constitutional right to Jury trial per §27-37-80 was also violated when Judge Griffin failed to sign, and file said order for jury trial. By issuing a Writ of ejectment for failure to pay bond, without said order ever being signed and entered by the clerk is a violation of §27-40-790 and another act against the appellants right to fair Jury Trial.

Dated: 02/22/24


Appellant (or his attorney)