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Aug 23 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas
William H. Seals, Jr., Circuit Court Judge

Civil Action Case No. 2019-CP-33-0675
Appellate Case No. 2023-001466

John Trenton Pendarvis and Lawton Drew Respondents,

v.

South Carolina Law Enforcement Division and
South Carolina Department of Agriculture..... Defendants,

Of whom South Carolina Law Enforcement Division is the Appellant Appellant.

**MEMORANDUM IN SUPPORT OF
MOTION FOR COSTS ON APPEAL**

By opinion filed August 20, 2024, the South Carolina Supreme Court denied the Appellant’s petition for a writ of certiorari finding the Respondents are allowed to continue to pursue their due process rights in this matter. The Court ruled in favor of the Respondents, John Trenton Pendarvis and Lawton Drew.

Rule 222(a), SCACR, provides that “[u]nless otherwise ordered by the appellate court or agreed by the parties, costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Rule 222(a), SCACR. The Response, therefore, qualifies as

the prevailing party in this appeal. As the prevailing party, the Respondent is entitled to an award of costs on appeal in accordance with Rule 222(b), SCACR, which includes the costs of filing fee. The Respondent is also entitled to attorney's fees in the amount of \$2,500.00, which is an amount set by order of the Supreme Court.

The filing of this motion is timely. The Remittitur was issued on August 21, 2024. This motion is filed within fifteen (15) days of the issuance of the Remittitur, as required by Rule 222(d), SCACR.

As a result, the Respondent, John Trenton Pendarvis, moves this Court, pursuant to Rule 222(d), SCACR, for an award of costs on appeal in this amount of \$2,550.00. The requested costs on appeal are set forth in the Statement of the Costs on Appeal, which is also filed herewith.

Respectfully submitted,



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August 23, 2024