

# The South Carolina Court of Appeals

Randal K. Freeman, Appellant,

v.

David Bryan Trapp, Respondent.

Appellate Case No. 2024-000283

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## ORDER

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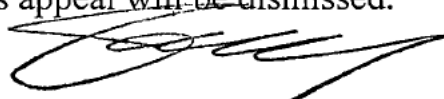
First, we decline to act upon Appellant's motion to "correct or amend" this court's June 17, 2024 order denying Respondent's motion to dismiss.<sup>1</sup> *See* Rule 221(c), SCACR ("The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.").

Appellant's motion to hold this appeal in abeyance is denied. The record on appeal need not include a transcript of the summary court proceeding; the presence of a court reporter is not required in summary court and no written transcript of the proceeding exists. *See* Magistrate's Court Rule 18(b) ("Within thirty (30) days of the date of filing of the notice of appeal with the Circuit Court, the magistrate shall file the return to the notice of appeal with the Clerk of the Circuit Court for the county wherein the judgment was rendered, together with the record, a statement of all proceedings in the case, and, if necessary, the testimony taken at trial."). Appellant shall serve and file his initial brief and designation of matter within

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<sup>1</sup> However, this court did not fail to consider the magistrate's issuance of a stay and setting of an appeal bond. We reiterate that Appellant has not received a stay from *this* court. *See* S.C. Code Ann. § 27-40-800(f)(1) ("Upon appeal to the Supreme Court or to the court of appeals, it is sufficient to stay execution of a judgment for ejectment that the tenant sign an undertaking that he will pay to the landlord the amount of rent, determined by order of the judge of the circuit court, as it becomes due periodically after judgment was entered.").

thirty days of the date of this order or this appeal will be dismissed.



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FOR THE COURT

Columbia, South Carolina

cc:

Randal K. Freeman

Christopher Ryan Jay, Esquire

James Benjamin Cahill, Esquire