

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

**IN THE COURT OF COMMON PLEAS
FOR THE ELEVENTH JUDICIAL CIRCUIT**

New Vision Automative and Quintin)
Blackmon,)
)
Appellant,)

Case No. : 2024CP3201086

v.)

Chasity Myers,)
)
Respondent.)

**ORDER AFFIRMING JUDGMENT
OF MAGISTRATE COURT**

This matter was before this Court on July 30, 2024, on Appeal from the Cayce-West Columbia Magistrate Court. (Case No.: 2020CV321061136). Pursuant to S.C. Code §18-7-10, I find that jurisdiction and venue are proper before this Court.

The Notice of Appeal was filed by the Appellant on or about March 7, 2024. The Magistrate Court filed a Return on or about April 2, 2024. I find that all parties were properly notified of the date, time, and place of this hearing and all legal requirements as to filing, service, notice and waiting periods have been met.

The only ground raised by Appellant in his Notice of Appeal was that Appellant’s attorney requested that this matter be continued because he was in another court. However, it is uncontested that no notice was sent to the Court or Opposing Counsel requesting a continuance or notifying the Court that Appellant’s Counsel was in another Court.

Rule 14, of the South Carolina Magistrate Court Rules, provides that the court shall be lenient in the granting of continuances of trials for good cause shown when necessary to serve the ends of justice and all continuances must have the specific approval of the court. However, pursuant to Rule 601(c) “[a]n attorney who cannot make a scheduled appearance because of the

priority established by paragraph (a) of this rule shall notify the affected tribunals as soon as the conflict becomes apparent.” (emphasis added)

It has long been the rule in this State that motions for a continuance are addressed to the sound discretion of the trial judge, and his ruling will not be upset unless it clearly appears that there was an abuse of discretion to the prejudice of appellant. South Carolina Public Service Authority v. Carolina Power and Light Company, 244 S.C. 466, 137 S.E.2d 507; State v. Lytchfield, 230 S.C. 405, 95 S.E.2d 857.

The authority of the court to grant continuances and to determine the order in which cases shall be heard is derived from its power to hear and decide cases. This adjudicative power of the court carries with it the inherent power to control the order of its business to safeguard the rights of litigants. Waites v. Sondock, Tex., 561 S.W.2d 772; 17 Am.Jur.2d, Continuance, Section 2. Williams v. Bordon's, Inc., 262 S.E.2d 881, 274 S.C. 275 (S.C. 1980)

In this case, there was no request or notice to the court or opposing counsel for a continuance made by Appellant. Appellant’s counsel failed to follow the requirements set forth in Rule 601 which states he shall notify the affected tribunals as soon as the conflict becomes apparent. Therefore, I find that there was no applicable error of law and no abuse or discretion by the Magistrate Court.

In addition, this issue of a continuance was only raised for the first time in a post-trial motion. A party may not use a post-trial motion to raise an issue that could have been raised prior to trial or at trial. Patterson v Reid, 318 S.C. 183, 456 S.E.2d 436 (Ct. App. 1995) and Prop. Owners Grp. Inc. v. Pub. Serv. Comm’n of S.C., 359 S.C. 105, 597 S.E.2d 145 (2004).

I find that there was no abuse of discretion by the Magistrate Court and no applicable errors of law cited by the Appellant. Based upon the aforementioned, I find that the judgment of the Magistrate Court must be **AFFIRMED**.

IT IS THEREFORE ORDRED that the judgment of the Cayce-West Columbia Magistrate Court is **AFFIRMED**.

IT IS SO ORDERED!

Dated: _____
Lexington, SC

Judge Debra McCaslin



Lexington Common Pleas

Case Caption: New Vision Automotive VS Chasity Myers

Case Number: 2024CP3201086

Type: Order/Other

So Ordered

Debra R. McCaslin