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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Eugene C. Griffith, Jr., Circuit Court Judge

Appellate Case No. 2024-000592
Case No. 2020-CP-02-2238

Cassiopia Rhoads,..... Appellant-Respondent,

v.

Aiken County Sheriff's Office,..... Respondent-Appellant.

**RESPONDENT-APPELLANT'S RETURN TO
MOTION FOR CERTIFICATION TO SUPREME COURT**

The Appellant-Respondent Cassiopia Rhoads has filed a motion to certify this appeal to the South Carolina Supreme Court pursuant to Rule 204(b), SCACR. The Respondent-Appellant Aiken County Sheriff's Office does not join that motion for the reasons discussed below but rather leaves it entirely to the Court's discretion. For the reasons outlined below, the Sheriff's Office submits that it would absolutely be appropriate for this appeal to continue to be adjudicated in the Court of Appeals and be handled as the majority of other appeals.

For starters, Rhoads premises her motion chiefly on notions of judicial economy. The Sheriff's Office agrees that judicial economy may very well be served by the certification of this appeal by the Supreme Court, but the Sheriff's Office also recognizes that judicial economy is not typically considered by this Court to be an appropriate basis for certification under Rule 204(b).

To presumably support her position, Rhoads then proceeds to argue the merits of the appeal as part of her motion to certify. The Sheriff's Office disputes the characterizations and legal positions taken by Rhoads in her motion, but this return is not the appropriate forum to address the merits. The Sheriff's Office will address the merits in its appellate briefs as the Appellate Court Rules provide.

With that said, the Sheriff's Office will point out several fallacies on which Rhoads bases her motion.

First, Rhoads argues that her appeal raises a novel issue based on the interpretation and application of S.C. Code Ann. § 15-78-70(d). That is not the case. A reading of the order on appeal demonstrates that the trial court cited extensively to and followed existing precedent from this Court in *Wade v. Berkeley County*, 348 S.C. 224, 559 S.E.2d 586 (2002). Thus, the issue presented on appeal is far from novel, and certainly the Court of Appeals is in a position to apply this Court's precedent in *Wade*.

Second, Rhoads argues that this case has been pending since 2020 and that post-trial motions took approximately eleven months to be resolved; however, that is primarily the result of multiple motions for reconsideration by both sides, and Rhoads' request to the trial court to hold a hearing after the court had emailed the parties with his ruling on the Sheriff's Office's motion for reconsideration. Frankly, there are many cases of similar complexity that take four

years from the filing of a complaint through the filing of an appeal. This one is not unusual or extraordinary.

Third, Rhoads claims that she is “currently living with a hole in her skull” and suggests that she cannot afford needed medical care. *See*, Motion to Certify, pp. 12-13. Rhoads offers no evidence of that, and that position should be viewed with some skepticism because Rhoads received a sizable settlement from Southern Health Partners (which is confidential but certainly the Court could request that information since Rhoads is putting her financial condition in controversy). Frankly, the financial need of a particular litigant or other underlying financial ramifications should not be a criterium for expediting the appellate process or for granting certification under Rule 204(b).

Fourth, Rhoads argues that “the trial court’s decision to wipe out the verdict and erase the trial invades the province of the jury.” *See*, Motion to Certify, p. 14. That could be said any time a trial court grants a JNOV, a new trial absolute or even a new trial pursuant to the thirteenth juror doctrine, but those are perfectly acceptable and proper components of the post-trial process under the Rules of Civil Procedure. The grant of a JNOV does not impair the constitutional right to a jury trial, just as a directed verdict or even a summary judgment does not do so. This argument is frivolous.

Fifth, Rhoads claims that this case impacts “many cases throughout the Palmetto State.” *See*, Motion to Certify, p. 12. Rhoads presents no evidence of this, and quite frankly, it is inconceivable for several reasons. As mentioned, the trial court’s decision is not novel; it applies this Court’s existing precedent in *Wade*. Additionally, a circuit court decision is obviously not precedential. *See, Ford v. Beaufort County Assessor*, 398 S.C. 508, 730 S.E.2d 335, 339, n.1 (Ct. App. 2012) (“[t]rial or inferior court decisions are not precedents binding other courts,

including appellate courts or other judges of the same trial court"). Therefore, the trial court's ruling is not controlling authority over "many cases throughout the Palmetto State."

In conclusion, the Respondent-Appellant Aiken County Sheriff's Office leaves to the Court's discretion as to whether this appeal should be certified for immediate consideration by this Court. The Sheriff's Office does however ask that the Court take into consideration the points made herein which show that this case is likely not an appropriate candidate for certification.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

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November 8, 2024

THE STATE OF SOUTH CAROLINA
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APPEAL FROM AIKEN COUNTY
Eugene C. Griffith, Jr., Circuit Court Judge

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Case No. 2020-CP-02-2238

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CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), the undersigned employee of Lindemann Law Firm, P.A., counsel for Aiken County Sheriff's Office, does hereby certify that service of **Respondent-Appellant's Return to Motion for Certification to Supreme Court** in the above-captioned matter was made upon all counsel of record by email only this the 8th day of November 2024, as follows:

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

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Email: brink@hhplawgroup.com

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**Also Admitted in North Carolina*

November 8, 2024

Via Email Only

The Honorable Patrica A. Howard
Clerk of Court
South Carolina Supreme Court
Email: suptctfilings@sccourts.org

RE: Cassiopia Rhoads v. Aiken County Sheriff's Office
Appellate Case Number: 2024-000592
Civil Action Number: 2020-CP-02-2238
Claim Number: 2020G00077
Our File Number: 333.20304

Dear Ms. Howard:

Pursuant to Section (b)(2) the Supreme Court's Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), please find enclosed for filing **Respondent-Appellant's Return to Motion for Certification to Supreme Court** with regard to the above referenced appeal. By copy of this letter, I am serving copies on the Honorable Jenny Abbott Kitchings and all counsel of record by email only pursuant to Section (d)(1) of the same Supreme Court Order.

If you have any questions, please advise. Thank you for your assistance.

Sincerely,

LINDEMANN LAW FIRM, P.A.

A handwritten signature in blue ink, appearing to read 'A. Lindemann', is written over a light blue horizontal line.

Andrew F. Lindemann

AFL/jmb
Enclosure

The Honorable Patrica A. Howard
November 8, 2024
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cc: (w/ Enclosure)

Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

Via Email Only

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