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Dec 27 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes III, Master-In-Equity

Civil Action No. 2021-CP-07-1507
Appellate Case No. 2022-000681

Beaufort County, Appellant,

v.

Adams Outdoor Advertising Limited Partnership and Bo Hodges, Respondents.

**APPELLANT’S RETURN OPPOSING
RESPONDENTS’ MOTION TO ASSESS COSTS**

Respondents’ motion to assess costs must be denied because the relevant rule states: “This Rule does not apply to criminal cases or post-conviction relief cases.” Rule 222(f), SCACR.

This Court recognized that this appeal arises from a conviction in a criminal case: “Beaufort County appeals the circuit court’s order reversing and vacating the magistrate court’s conviction of [Respondents] for violating Beaufort County’s Community Development Code (CDC).” (Op. No. 2022-000681, at 2 (S.C. Ct. App. filed July 3, 2024).)

As the circuit court below explained, “The Verdict [of the magistrate’s court] found Appellants guilty of two (2) criminal violations of Beaufort County Community Development Code (“CDC”) Section 5.6.50.E., and on August 13, 2021, the magistrate issued a Notice of Sentence imposing a fine of \$1,087.50 for each offense.” (R. p. 3.)

Because this is a criminal case, Rule 222 does not apply to allow the appellate court to tax costs against the Appellant. Respondents' motion for costs must therefore be denied.

Respectfully submitted,

s/ Brian Hulbert

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December 26, 2024
Beaufort County, South Carolina

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PROOF OF SERVICE

I certify that on December 26, 2024, I have served all counsel in this action with a copy of **Appellant's Return Opposing Respondents' Motion to Assess Costs**, via electronic mail, to the following addresses:

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Respectfully submitted,

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