



The South Carolina Court of Appeals

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CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

June 27, 2025

The Honorable Alma Y. White
PO Box 479
Georgetown SC 29442-0479

REMITTITUR

Re: Jessica Flegel v. Thayne Dawkins Reece
Lower Court Case No. 2021CP2200552
Appellate Case No. 2023-000592

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy".

CLERK

Enclosure

cc: Gedney M. Howe, IV, Esquire
S. Ashley Gwin, Esquire



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FAX: (803) 734-1839
www.sccourts.org

June 11, 2025

Mr. Gedney M. Howe, IV, Esquire
PO Box 1034
Charleston SC 29402

Ms. S. Ashley Gwin, Esquire
PO Box 1349
Myrtle Beach SC 29578

Re: Jessica Flegel v. Thayne Dawkins Reece
Appellate Case No. 2023-000592

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in blue ink that reads "Catherine Harrison, deputy". The signature is written in a cursive style.

CLERK

cc: The Honorable Maite Murphy

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Jessica Flegel, Appellant,

v.

Thayne Dawkins Reece, Respondent.

Appellate Case No. 2023-000592

Appeal From Georgetown County
Maite Murphy, Circuit Court Judge

Unpublished Opinion No. 2025-UP-193
Submitted May 1, 2025 – Filed June 11, 2025

AFFIRMED

Gedney M. Howe, IV, of Gedney M. Howe III, PA, of
Charleston, for Appellant.

S. Ashley Gwin, of McAngus Goudelock & Courie,
LLC, of Myrtle Beach, for Respondent.

PER CURIAM: Jessica Flegel appeals the jury verdict and judgment awarding her \$10,000 in actual damages as well as the trial court's order denying her motion for a new trial as to punitive damages or, in the alternative, a new trial absolute. On appeal, Flegel argues the trial court erred in failing to instruct the jury on punitive damages because the evidence indicated Thayne Dawkins Reece caused a

vehicle collision that injured Flegel while violating at least one statute. In her reply brief, she also asserts the trial court erred in denying her motion for a new trial because her motion was properly before the trial court. We affirm pursuant to Rule 220(b), SCACR.

1. We hold Flegel's argument that the trial court erred in refusing to instruct the jury on punitive damages when the evidence was conclusive of a statutory violation, and as a result, constituted negligence per se and gross negligence is not preserved for appellate review. Although she requested a punitive damages instruction at trial, Flegel did not discuss any alleged statutory violations as the basis for her request. We hold Flegel failed to specifically raise this issue to the trial court; thus, it is not preserved. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial [court] to be preserved for appellate review."); Jean Hoefer Toal et al., *Appellate Practice in South Carolina* 185 (3d ed. 2016) ("[T]he issue must have been (1) raised to and ruled upon by the [trial] court, (2) raised by the appellant, (3) raised in a timely manner, and (4) raised to the [trial] court with sufficient specificity."); *Buist v. Buist*, 410 S.C. 569, 574-75, 766 S.E.2d 381, 383-84 (2014) ("While 'a party is not required to use the exact name of a legal doctrine in order to preserve the issue,' . . . the party nonetheless must be sufficiently clear in framing his objection so as to draw the court's attention to the precise nature of the alleged error." (quoting *Herron v. Century BMW*, 395 S.C. 461, 466, 719 S.E.2d 640, 642 (2011))); *McKissick v. J.F. Cleckley & Co.*, 325 S.C. 327, 344, 479 S.E.2d 67, 75 (Ct. App. 1996) ("The same ground argued on appeal must have been argued to the trial [court].").

2. We hold Flegel waived the issue of whether her motion for a new trial was timely because she raised it as an issue for the first time in her reply brief. *See ABB, Inc. v. Integrated Recycling Grp. of SC, LLC*, 432 S.C. 545, 553, 854 S.E.2d 171, 175 (Ct. App. 2021) ("[A] party cannot raise an issue for the first time in an appellate reply brief."); *Chet Adams Co. v. James F. Pedersen Co.*, 307 S.C. 33, 37, 413 S.E.2d 827, 829 (1992) (indicating an appellant waives his right to complain on an issue raised for the first time in his reply brief). As such, we hold Flegel has waived her right to complain regarding this issue.

AFFIRMED.¹

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

WILLIAMS, C.J., and GEATHERS and TURNER, JJ., concur.