



The South Carolina Court of Appeals

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October 22, 2025

The Honorable James C. Campbell
Sumter County Judicial Center
215 North Harvin Street
Sumter SC 29150-4974

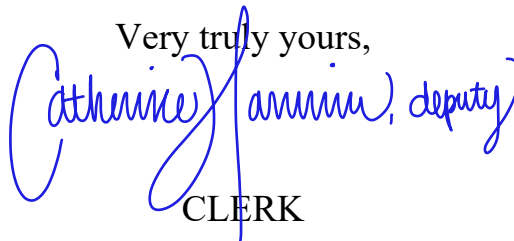
REMITTITUR

Re: Randal Freeman v. David Trapp
Lower Court Case No. 2024CP4300366
Appellate Case No. 2024-000283

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,


CLERK

Enclosure

cc: Randal K. Freeman
Christopher Ryan Jay, Esquire
James Benjamin Cahill, Esquire

The Supreme Court of South Carolina

Randal K. Freeman, Appellant,

v.

David Bryan Trapp, Respondent.

Appellate Case No. 2025-001129

RECEIVED

Oct 21 2025

SC Court of Appeals

ORDER

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY *Patricia Howard*
CLERK

Columbia, South Carolina
October 21, 2025

cc:

Randal K. Freeman
Christopher Ryan Jay
James Benjamin Cahill
B. Keith Griffin
The Honorable Jenny Abbott Kitchings

The South Carolina Court of Appeals

Randal K. Freeman, Appellant,

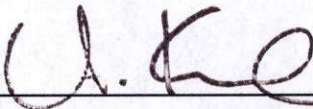
v.

David Bryan Trapp, Respondent.

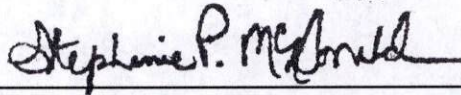
Appellate Case No. 2024-000283

ORDER

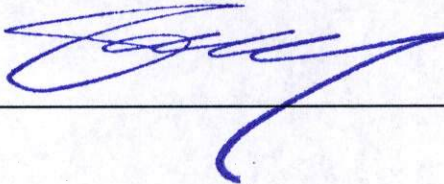
After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.¹



J.



J.



J.

Columbia, South Carolina

FILED
Jun 06 2025

cc:

Randal K. Freeman
Christopher Ryan Jay, Esquire
James Benjamin Cahill, Esquire
B. Keith Griffin, Esquire

¹ Appellant's motion to reconsider is also denied.

The South Carolina Court of Appeals

Randal K. Freeman, Appellant,

v.

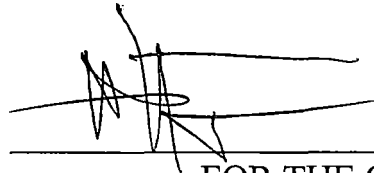
David Bryan Trapp, Respondent.

Appellate Case No. 2024-000283

ORDER

This appeal stems from the issuance of a writ of ejectment by the magistrate court. According to the magistrate court's order, an application for ejectment was filed April 3, 2023. The magistrate court set a bond, which Appellant did not comply with. On appeal to the circuit court, Appellant argued he had attempted to pay the bond but it was refused by the court clerks. The circuit court remanded the matter to the magistrate court for determination of whether Appellant had been prevented from paying his bond. The magistrate court ultimately determined Appellant did not timely pay his bond and re-issued the writ of ejectment. Appellant appealed to the circuit court, and the circuit court ruled "[t]he magistrate's ruling stands." Appellant then filed a notice of appeal with this court and later sought a stay from the circuit court, which was set. On February 25, 2025, Appellant filed a "Motion for Release of Bond with Clarification and Hold in Abeyance," explaining he intended to vacate the premises on or by March 10, 2025, and requesting, among other things, confirmation that the release of the bond associated with the stay of ejectment would not affect the continuation of the appeal. Respondent filed a return, explaining Appellant vacated the premises and returned possession to Respondent thus, execution of the writ of ejectment would no longer have any practical legal effect upon the parties or controversy and the appeal was now moot. Respondent asserted that if the appeal was not dismissed, it opposed lifting the bond. Appellant filed a reply, indicating he vacated the premises on March 3, 2025, and contending the appeal was not moot because the vacatur amounted to a constructive eviction and the eviction permanently affects his ability to secure future housing and financial stability.

After careful consideration, we take no action of Appellant's "Motion for Release of Bond with Clarification and Hold in Abeyance," and we dismiss the appeal as moot.¹ See *Berry v. Zahler*, 220 S.C. 86, 66 S.E.2d 459 (1951) (dismissing the appeal because the issue, which was the right to possession of the premises, became moot when the tenants vacated the premises and delivered possession to the landlord). The remittitur will be sent as required by Rule 221(b) of the South Carolina Appellate Court Rules.

A handwritten signature in black ink, appearing to be "W. R. J.", written over a horizontal line.

FOR THE COURT

Columbia, South Carolina

cc:

Randal K. Freeman

Christopher Ryan Jay, Esquire

James Benjamin Cahill, Esquire

B. Keith Griffin, Esquire

FILED
Mar 20 2025

¹ We note, that in this court's June 17, 2024 order, this court denied Respondent's motion to dismiss on the basis "there remains an existing controversy in this case while Appellant is still occupying the property."