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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM KERSHAW COUNTY
Court of Common Pleas
Roderick M. Todd, Jr. Magistrate Judge

Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2025-000253
Civil Action No. 2024-CP-28-00851

Freda Stevens, ……..Appellant,

v.

Shelby T. Troublefield, …….Respondent.

RESPONDENT'S FINAL BRIEF

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II. Whether the Circuit Court's decision affirming the magistrate court's restraining order is supported by any evidence?

COUNTER-STATEMENT OF THE CASE

On October 21, 2024, after hearing from numerous witnesses, a Kershaw County magistrate court issued a restraining order against Appellant after a repeated course of harassment against Respondent, including yelling, name-calling in professional correspondence, threats to ruin Respondent's career, and threats to "blow [Respondent's] brains out." (Magistrate's Return pp. 1–4.)

Thereafter, Appellant appealed the issuance of the restraining order. On January 16, 2025, after oral argument, the circuit court affirmed the magistrate court's issuance of the restraining order. On February 11, 2025, Appellant filed the appeal at bar. The restraining order expired on October 21, 2025. (Magistrate's Return p. 44.)

STANDARD OF REVIEW

The standard of review to be applied by a circuit court in an appeal of a magistrate's judgment is prescribed by Section 18-7-170 of the South Carolina Code:

> Upon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits. In giving judgment the court may affirm or reverse the judgment of the court below, in whole or in part, as to any or all the parties and for errors of law or fact.

S.C. Code Ann. § 18-7-170 (2014); *see also Bowers v. Thomas*, 373 S.C. 240, 244, 644 S.E.2d 751, 753 (Ct. App. 2007).

"The magistrate's factual findings, confirmed by the circuit court, must be upheld by the appellate court if supported by any evidence." *See Union Cnty. Sheriff's Off. v. Henderson*, 395 S.C. 516, 519, 719 S.E.2d 665, 666 (2011). Questions of law are reviewed *de novo*. *Town of Summerville v. City of North Charleston*, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008). Further, South Carolina courts will not reach the merits absent a justiciable controversy; thus the Court should not address moot or abstract matters. *See Jowers v. S.C. Dep't of Health & Envtl. Control*, 423 S.C. 343, 353, 815 S.E.2d 446, 451 (2018).

ARGUMENT

I. The Restraining Order at issue has expired and this appeal is moot.

As a threshold matter, this appeal has clearly become moot because the restraining order at issue has expired and has not been renewed.

The South Carolina Supreme Court has long recognized that "[a] case becomes moot when judgment, if rendered, will have no practical legal effect upon existing controversy. This is true when some event occurs making it impossible for reviewing court to grant effectual relief." *Mathis v. South Carolina State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). The *Mathis* case involved an appeal by the South Carolina State Highway Department from the lower court's order revoking the suspension of the respondent's driver's license and reinstating respondent's driving privileges after his license was suspended the Department for a period of one year. *Id*. By the time the appeal was heard by the South Carolina Supreme Court, nearly two years later, respondent already would have been entitled to have his license returned under the terms of the original suspension. *Id*. Accordingly, the Court ruled that the issues on appeal had been rendered "moot and academic." *Id*. at 346, 195 S.E.2d at 714.

In *South Carolina Coastal Conserv. League v. Dominion Energy S.C., Inc*., 432 S.C. 217, 851 S.E.2d 699 (2020), the South Carolina Supreme Court relied on *Mathis* to hold that an appeal from a Public Service Commission order setting rates for an electric utility to purchase solar and other renewable energy from producers was moot because the rates in question had expired by the time the appeal was heard. *Id*. at 223, 851 S.E.2d at 702 ("The rates have expired. If we were to reverse the PSC, our ruling would have no effect [on the parties].").

Under the well-established doctrine of mootness, this appeal should likewise be dismissed because nothing the Court of Appeals could do in this case would affect the legal status of the parties with respect to the now-expired restraining order. Regardless of her claim that her threats to shoot a teacher were somehow protected speech, the order restraining her conduct here is no longer in force,[1] and the issues before this Court are now "moot and academic." *Mathis*, 260 S.C. at 346, 195 S.E.2d at 714; *see also Ivey v. Town of Cherry Grove Beach*, 244 S.C. 363, 364, 137 S.E.2d 277, 277 (1964) (dismissing as moot the town's appeal from an injunction preventing it from discharging its police chief, because the term of office at issue had expired).

II. The Circuit Court's decision affirming the magistrate court's restraining order was supported by ample evidence.

Even assuming this appeal was not moot, as an additional sustaining ground the magistrate's factual finding that Appellant's threatening behavior constituted second-degree harassment under S.C. Code Ann. § 16-3-1700(B) is well supported by the record.

The magistrate court went into detail to explain Appellant's escalating and reprehensible actions and conduct, which occurred over only a 20-day period:

[1] As noted in the Magistrate's Return, the School District issued a no trespass order against Appellant which remains in effect as to school property. That order was not part of the matter below and is not part of this appeal. (Magistrate's Return p. 3.)

- In a comment communicated to Respondent, during a discussion about issues surrounding her child's transportation, Appellant noted that she had numerous guns.

- In a direct message to Respondent, Appellant criticized her attitude and demeanor.

- In a second direct message to Respondent and copying her supervisor, Appellant referred to Respondent as "Mrs. Trashfield," rather than her name, Mrs. Troublefield.

- At the car rider line at school, Appellant became verbally irate at Respondent, screamed at her, and accused her of unprofessional conduct.

- At a meeting with Respondent's supervisor, the contents of which were communication to Respondent, Appellant discussed "destroying" Respondent's career and "turning [Respondent's] career and the school upside down."

- At the same meeting, Appellant expressed her willingness to "blow [Respondent's] brains out."

- At the same meeting, the comment about "blow[ing] [Respondent's] brains out" was repeated twice.

- This series of events caused Respondent to suffer distress, fear, and changes in her daily life.

(Magistrate's Return pp. 1–4.) In light of this accepted evidence, the magistrate judge rejected Appellant's argument that she was engaging in protected speech, and noted his "severe concern" over Appellant threatening to shoot a teacher on school grounds. (*Id*. pp. 3–4.) He further made the factual finding that Appellant intentionally engaged in a pattern of unwarranted, unreasonable, and intrusive conduct into Respondent's life that caused Respondent mental or emotional distress. (*Id*.) This squarely constitutes harassment second degree, which in turn justifies the issuance of a restraining order. *See* S.C. Code Ann. § 16-3-1700(B) (noting that the offense requires "a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person . . . to suffer mental or emotional distress.").

In affirming the magistrate court, the circuit court noted that even absent the shooting threat, Appellant referring to her many guns and calling Respondent names in official school

correspondence was hostile and "not just simply advocating for your child." (Circuit Court Tr. p. 13.) Accordingly, the Court should affirm the circuit court as the magistrate's findings were supported by "any evidence", even without the threat of shooting Respondent. *Henderson*, 395 S.C. at 519, 719 S.E.2d at 666.

To the extent Appellant tries to craft an argument that her comments were constitutionally protected, this argument fails for at least two reasons.

One, this Court has explained that "whether the facts of a case were correctly applied to a statute is a question of fact[.]" *Boggero v. S.C. Dep't of Revenue*, 414 S.C. 277, 280, 777 S.E.2d 842, 843 (Ct. App. 2015) (quoting *Hopper v. Terry Hunt Constr.,* 373 S.C. 475, 479, 646 S.E.2d 162, 165 (Ct. App. 2007), *aff'd by* 383 S.C. 310, 680 S.E.2d 1 (2009)). Thus, because there is at least some evidence to support the magistrate's findings, Appellant fails to meet her burden under the applicable standard of review.

Two, even through a legal lens, the magistrate expressly noted Appellant's First Amendment arguments and the record shows that Appellant's words, and *also* her actions, constituted harassment. (Magistrate's Return pp. 1–4.) Additionally, the U.S. Court of Appeals for the Fourth Circuit, when examining a West Virginia harassment statute, explained that "[p]rohibiting harassment is not prohibiting speech, because harassment is not a protected speech." *Thorne v. Bailey*, 846 F.2d 241, 244 (4th Cir. 1988) ("The statute is clearly not a censorial statute, directed at any group or viewpoint. It seeks to protect citizens from harassment in an even-handed and neutral fashion.").

CONCLUSION

Based on the foregoing reasons, this Court should deny this appeal as moot or otherwise affirm the judgment of the circuit court.

Respectfully submitted,

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