

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF YORK  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2013CP4601178

Rock Hill City Of

Chris Wellborn

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: James Boyd

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court

ORDER INFORMATION

This order  ends  does not end the case. ORDER

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
n/a	n/a	n/a

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

*s/ John C. Hayes 777*  
 Circuit Court Judge

2049

11/13/2013

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Paula Knox Brown  
201 E. Main Street Third Floor  
Rock Hill, SC 29730

James W. Boyd  
PO Box 36425  
Rock Hill, SC 29732

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*David Hamilton*

Court Reporter

David Hamilton - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA FILED - RECEIVED THE COURT OF COMMON PLEAS  
COUNTY OF YORK 2013 NOV 13 8:16 AM SIXTEENTH JUDICIAL CIRCUIT

Christopher A. Wellborn,

Appellant,

vs.

City of Rock Hill,

Respondent.

C.A. No.: 2013-CP-46-01178

CLERK OF COURT  
C.C.P. & G.S.  
YORK COUNTY, SC

ORDER

The Court issued an Order in this contempt appeal on September 25, 2013. Appellant timely filed a "Motion to Reconsider" said Order.

The motion alleges no error of law but asserts the trial judge's Order is not supported by sufficient evidence asserting that the comments the Court found in its Order of contempt are not supported by the record.

The body of Appellant's motion notes "... there is a conflict between the trial judge's version and the Appellant's version of what the ruling actually was." This argument ignores the fact that as the finder of fact the trial judge determines the facts from the record, which here includes Appellant's testimony, the Verified Petition of the trial judge, and the trial judge's knowledge of what he ordered in the subject incident and Appellant's conduct in the trial judge's presence. See TR 45, L7 through p. 46, L1. The Verified Petition of the trial judge establishes a factual basis for the finding of contempt. That appellant's recollection does not jibe with that of the judge who issued the order does not establish Appellant's version is correct. In fact, in his motion, Appellant notes "In this case there is a conflict between the trial judge's version and the Appellant's version of what the ruling actually was."

Appellant acknowledged that the trial judge ruled neither he nor the City Solicitor were to go into any detail or any explanation as to why he or his client was late or not present during the time of jury selection (TR, p. 29, LL 13-16). The trial judge, relying on his Verified Petition, found as fact that his instructions and his recollection of his order and Appellant's alleged contemptuous conduct, found as fact that his instructions to Appellant were that Appellant was to not make any comment concerning his or his client's tardiness in appearing for court in any manner in the jury's presence.

The record from the hearing on the contempt issue makes it clear that the trial judge found that he had told Appellant not to make any comment in the jury's presence about his or his client's tardiness. (TR, p. 45, LL 13-16 and p. 46, LL 4-6). The record of the hearing also reflects that the trial judge found that appellant had, in contravention of said order, in the jury's presence "...something like he wanted to explain to the jury why he and his client were late in arriving." (TR, p. 45, L 23 through p. 44, L 46).

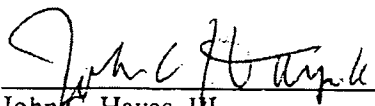
In sum, on the record, the trial judge found and held that "Mr. Wellborn doesn't follow my very simple, direct order" (TR, p. 46, LL 11-13), and found Appellant's conduct contemptuous.

It must be noted by the undersigned that the imposition of a contempt finding on an attorney is not taken lightly and the undersigned has not in over twenty (20) years on the bench been compelled to hold an attorney in contempt. However, the undersigned must also note that the courts of this State, at any level, have the right, in fact the obligation, to demand and see that counsel, litigants, court personnel, jurors and spectators adhere to their direct orders.

Therefore, Appellant's Motion to Reconsider the Court's Order of September 25, 2013, is DENIED.

*J. C. H. #2*

IT IS SO ORDERED.

  
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John C. Hayes, III  
Presiding Judge

November 6, 2013  
York, South Carolina

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