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Mar 26 2026

SC Court of Appeals

IN THE COURT OF APPEALS OF SOUTH CAROLINA

Ashley Williamson,

Appellant,

v.

Rock Pointe II,

Respondent.

Appellate Case No.: 2024-000279

REPLY BRIEF OF APPELLANT

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Garris v. Governing Bd. of S.C. Reinsurance Facility, 333 S.C. 432, 511 S.E.2d 48 (1998)

Town of Summerville v. City of North Charleston, 378 S.C. 107, 662 S.E.2d 40 (2008)

S.C. Dep't of Soc. Servs. v. Boulware, 422 S.C. 1, 809 S.E.2d 223 (2018)

Mathis v. S.C. State Highway Dep't, 260 S.C. 344, 195 S.E.2d 713 (1973)

I. INTRODUCTION

Respondent attempts to reduce this appeal to an ordinary dispute over factual findings and witness credibility. That framing is incorrect. The central issue is whether Appellant was denied a meaningful opportunity to be heard and to present material evidence before the magistrate court ruled. Because the fairness of the proceeding itself is at issue, this appeal presents legal error, not merely a disagreement with the result.

Respondent's brief repeatedly relies on the limited state of the record while ignoring why the record was limited in the first place. Appellant's position has consistently been that the hearing process did not permit full development of the facts and that the resulting decision rested on an incomplete and unreliable foundation. Where a judgment is reached after a party is not afforded a fair opportunity to present material evidence, affirmance is improper.

II. THIS APPEAL PRESENTS A QUESTION OF LAW SUBJECT TO DE NOVO REVIEW

Respondent relies on a deferential standard applicable to factual findings. That approach does not control here. Whether a party received due process and a meaningful opportunity to be heard is a question of law reviewed de novo. See *Town of Summerville v. City of North Charleston*, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008) (questions of law reviewed de novo). Likewise, South Carolina recognizes that due process requires a fundamentally fair proceeding. See *Garris v. Governing Bd. of S.C. Reinsurance Facility*, 333 S.C. 432, 440, 511 S.E.2d 48, 52 (1998). Because Appellant challenges the fairness and adequacy of the hearing process itself, no ordinary deference to fact-finding can cure the underlying legal defect.

III. APPELLANT WAS DENIED A MEANINGFUL OPPORTUNITY TO BE HEARD

Due process requires notice and a meaningful opportunity to be heard at a meaningful time and in a meaningful manner. See *S.C. Dep't of Soc. Servs. v. Boulware*, 422 S.C. 1, 8, 809 S.E.2d 223, 226 (2018). Appellant's claim is that the proceedings below did not satisfy that standard. The problem was not simply that the magistrate weighed evidence against Appellant; the problem was that Appellant was not afforded a full and fair opportunity to develop and present the evidence material to the issues being decided.

A credibility determination made on an incomplete record is inherently unreliable. A court cannot restrict or fail to allow the presentation of relevant proof and then rely on the resulting absence of that proof to justify the judgment entered. Appellant was prejudiced because the hearing did not meaningfully account for the evidence she sought to present concerning the basis for the eviction, the handling of lease renewal paperwork, and the communications between Appellant and property management.

IV. RESPONDENT MISAPPLIES THE "ANY EVIDENCE" STANDARD

Respondent argues the ruling should be affirmed so long as there was 'any evidence' supporting it. That argument presupposes a fair proceeding and a complete record. It does not answer the question presented here. A limited record produced by procedural irregularity cannot be used as both the reason for the judgment and the shield against appellate review.

To adopt Respondent's approach would allow a lower court to curtail the presentation of evidence and then insulate its ruling by pointing to the very incompleteness it created. That is not a sound application of appellate review principles. Where the challenge is to the fairness of the proceeding itself, the presence of some evidence in the record does not resolve whether material evidence was excluded, disregarded, or never fully developed.

V. RESPONDENT'S DEFAULT ARGUMENT DOES NOT BAR RELIEF

Respondent also argues Appellant defaulted by failing to request a show-cause hearing. Even if Respondent's procedural account is accepted for argument's sake, it does not defeat the due process issue now before this Court. Procedural default cannot excuse a proceeding that denied a party a meaningful opportunity to be heard on material issues affecting the outcome.

Appellant's later efforts to obtain a fair hearing and to present the relevant facts underscore the same point: Appellant was attempting to have the dispute resolved on a complete record. The issue on appeal is not whether technical steps were recited in the abstract, but whether the process actually afforded was constitutionally adequate under the circumstances.

VI. THIS APPEAL IS NOT MOOT

Respondent's mootness argument also fails. A case is not moot where an appellate court can grant effective relief. See *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973). Here, effective relief remains available. This Court may reverse the decisions below and remand for a new hearing conducted in a manner consistent with due process.

Because meaningful relief can still be awarded, this case presents a live controversy. The fact that Respondent seeks to characterize the matter as closed does not eliminate the Court's authority to correct legal error and require a procedurally fair adjudication.

VII. THE UNDERLYING EVICTION WAS BASED ON ERRONEOUS AND CONTRADICTORY INFORMATION

The omitted evidence was not collateral. It went directly to whether the eviction should have occurred at all. Appellant had evidence that the previous landlord wrote a statement confirming Appellant was not in the system for nonrenewal, even though Ms. Brenda Lawson and the corporate office later represented nonrenewal as the basis for eviction. That contradiction is substantial. If Appellant was not listed for nonrenewal, the asserted premise for a writ to evict was materially undermined.

Appellant also had evidence that the property manager sent out a lease renewal after the alleged expiration date and acknowledged in an email that renewal paperwork for multiple residents had been misplaced. In addition, Appellant remained in contact with the property manager, the regional manager, and the corporate office within the time for requesting a fair hearing. Appellant further submitted documentation showing that her household was sick with COVID-19 and Influenza B during the period when the renewal paperwork was allegedly required. All of this evidence bore directly on whether the stated nonrenewal basis was accurate, whether management errors contributed to the situation, and whether the eviction proceeded under false pretenses.

VIII. THE FAILURE TO CONSIDER THIS EVIDENCE WAS PREJUDICIAL

These defects were not harmless. The excluded or unaddressed evidence would have directly affected the central issues in dispute, including the truth of the nonrenewal claim, the credibility of Respondent's position, and whether management errors contributed to the alleged lease problem. The evidence would also have provided context for Appellant's efforts to communicate and comply during a period when her household was dealing with serious illness. There is at least a reasonable probability that the outcome would have been different had this evidence been fully presented and considered. At a minimum, the evidence was sufficiently material that Appellant was entitled to a fair opportunity to place it before the court. A judgment reached without allowing that process cannot stand.

IX. THE CIRCUIT COURT APPLIED THE WRONG LEGAL FRAMEWORK

The circuit court concluded there was no evidence of legal error. That conclusion reflects the same basic misunderstanding advanced by Respondent. Appellant's claim is not simply that the evidence should have been weighed differently; it is that the hearing process prevented the necessary development of the evidence in the first place.

By viewing the matter only through the lens of whether the existing record already contained proof of error, the circuit court failed to confront whether the record was incomplete because Appellant had not been given a meaningful opportunity to develop it. That is a legal error. When the fairness of the proceeding is the issue, a court cannot avoid review by relying solely on the incompleteness of the record produced below.

X. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court reverse the decisions below and remand this matter for a new hearing consistent with due process requirements.

Respectfully submitted,
Ashley Williamson
Pro Se Litigant

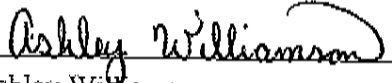
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply Brief of Appellant was served upon the Respondent by United States Mail, postage prepaid, addressed as follows:
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This 26th day of March, 2026.



Ashley Williamson