

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

MARIE MIDDLETON,

Appellant,

v.

MARISA WRIGHT,

Respondent.

COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

Civil Action No.: 2025-CP-10-07109

ORDER DENYING APPEAL
Jul 14 2026

RECEIVED

SC Court of Appeals

This matter was before the Court on June 11, 2026, upon Marie Middleton's (hereinafter "Appellant") appeal from Charleston County's Magistrates Court. Appellant appeared *pro se* and Respondent was represented by counsel. For the reasons stated in greater detail below, Appellant's appeal from Charleston County's Magistrates Court is denied.

PROCEDURAL AND FACTUAL HISTORY

This appeal comes from a Complaint and Motion for Restraining Order filed on September 25, 2025, by Respondent. Respondent's Complaint was one of four companion cases which were consolidated for trial. The trial was held at the Charleston County Magistrates Court on December 2, 2025. At the trial, Appellant was represented by Ariel N. Larsen of The Shealey Law Firm, LLC and Respondent was represented by William K. Kalivas of the Smith Law Group of the Carolinas, LLC.

Respondent and Appellant are neighbors. Respondent filed the Complaint and Motion for Restraining Order based on allegations of harassment and stalking. At trial, several witnesses testified on behalf of Respondent and the Court ultimately issued a restraining order against Appellant on December 11, 2025, for harassment and stalking.

The Appeal came before this Court on June 11, 2026. The crux of Appellant's argument is that the Magistrates Court misapplied the law and based its findings on insufficient evidence. Thus,

if the Magistrates Court had considered all relevant evidence, the elements needed to prove harassment in the first or second degree and stalking under SC Code Ann. § 16-3-1700 could not have been met. This Court disagrees and addresses the Appellant's specific arguments below.

STANDARD OF REVIEW

Under the South Carolina Code of Laws, "When a judgment is rendered by a Magistrates court...the appeal shall be to the circuit court of the county wherein the judgment was rendered..." SC Code Ann. § 18-7-10. When the Circuit Court hears the appeal "...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." SC Code Ann. § 18-7-170. In hearing appeals from Magistrates Court, the Circuit Court "maintains a broad scope of review." *Bowers v. Thomas*, 373 S.C. 240, 244, 644 S.E.2d 751, 753 (Ct. App. 2007). Likewise, "The appeal shall be heard by the court upon all the papers in the case..." and "The court shall have the same power over its own determinations, and shall render judgment thereon in the same manner, as the circuit court in actions pending therein..." SC Code Ann. § 18-7-130, 140.

DISCUSSION

Appellant cites two issues on appeal: (1) the Magistrates Court erred by granting a restraining order when the Appellee failed to prove by a preponderance of the evidence that Appellant engaged in harassment in the first or second degree or stalking under S.C. Code § 16-3-1700 and (2) the Magistrates Court abused its discretion by excluding video, photographic, and time-stamped electronic evidence that would have rebutted Appellee's allegations and shown the absence of a statutory "pattern" or intent.

1. The Preponderance of Evidence

Pursuant to SC Code Ann. § 16-3-1750, the Magistrates Court has jurisdiction over restraining orders involving claims of harassment in the first or second degree and stalking. SC Code Ann. § 6-3-1750. This Court has broad discretion to determine in whole or in part whether an error of law or fact was made by the Magistrates Court when it issued the restraining order. SC Code Ann. § 18-7-170; see also *Thomas*, 373 S.C. 240.

Here, Appellant contends that the evidence presented at trial did not meet the burden of proof necessary to show that by a preponderance of the evidence, a restraining order should be issued. This is because Appellant alleges that the testimony considered during the trial was false and defamatory. However, in the Return issued on January 20, 2026, the Magistrate Judge described in detail the evidence that was considered prior to issuing the restraining order against Appellant. This includes an extensive discussion pertaining to Respondent's testimony, and written statements made to police officers. Additionally, the Magistrates Court considered testimony by Respondent's husband and Kelly Lloyd who is a non-party neighbor to Respondent and Appellant. Furthermore, the Magistrates Court heard the trial on December 2, 2026, and issued the restraining order on December 11, 2026, meaning that the Judge considered the evidence for nine days prior to issuing the order. The Return's detailed discussion of the witness testimony coupled with the time spent reviewing the evidence affirms the Magistrates Court thoroughly deliberated the exhibits and witness credibility before rendering an order. The Magistrate Judge was also in a far better position to evaluate the credibility of the witnesses than this Court. Therefore, this Court finds that the Magistrates Court did not err in determining that by a preponderance of the evidence, a restraining order was proper against Appellant.

2. The Exclusion of Evidence

Next, Appellant argues that the Magistrates Court wrongfully failed to admit evidence including electronic, time stamped videos and photographs that would have rebutted Respondent's claims. As previously discussed, this Court has broad authority to determine whether the Magistrates Court erred in issuing the restraining order. SC Code Ann. § 18-7-170; see also *Thomas*, 373 S.C. 240.

Here, the record does not show that Appellant sought to introduce any evidence that was excluded by the Magistrate Court. On the contrary, Appellant acknowledged that her attorneys did not offer the evidence she claims should have been admitted. Therefore, this Court finds that the Magistrate Court did not err by failing to admit relevant evidence.

CONCLUSION

For the reasons stated above, the petition appeal is DENIED, and the ruling(s) of the Magistrates Court are AFFIRMED.

END OF ORDER.

The Honorable Thomas Rode

June _____ 2026
Charleston, South Carolina



Charleston Common Pleas

Case Caption: Marie Middleton VS Marisa Wright

Case Number: 2025CP1007109

Type: Order/Other

So Ordered

s/ T.J. Rode (#2792)