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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Appellate Case No.: 2026-000958

Josetta Singleton, Jayla Singleton and Tinarris Williams,………………………………Appellants,

v.

Ah4R Management-SC, LLC, as agent for AMH Development, LLC,………………Respondent.

MOTION TO DISMISS APPEAL

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Pursuant to Rule 240, SCACR, Respondent Ah4R Management-SC, LLC respectfully moves for an order dismissing this appeal. As discussed below, dismissal of the appeal is warranted because Appellants have failed to comply with the applicable provisions of the South Carolina Appellate Court Rules and have not presented any timely or sufficient arguments to challenge the underlying Circuit Court order.

STATEMENT OF THE CASE

What has become a somewhat convoluted appeal began as a straightforward request for a writ of ejectment in the Berkeley County Magistrate Court. Respondent commenced that action[1] by filing an Application for Ejectment against Appellants on or about December 31, 2025. The basis for that application was the undisputed fact that Appellants had failed to pay rent when due under the terms of a valid written lease agreement. Magistrate William D. Wilson, Jr. signed a Rule to Vacate or Show Cause, which was timely served on Appellants along with the Application for Ejectment. In response, Appellants requested a show cause hearing.

The hearing took place on January 26, 2026, after which the Magistrate found that Appellants were not timely in the payment of the rent due to Respondent under the provisions of the lease agreement. Thus, the Magistrate concluded that Appellants had failed to show cause why they should not be ejected, and he issued a Warrant of Ejectment, which required Appellants to vacate the leased premises by January 31, 2026. The Warrant of Ejectment was properly served on Appellants, who filed an appeal of the Magistrate's order in the Circuit Court on January 28, 2026.

The appeal came before the Honorable Maite Murphy for a hearing on March 3, 2026. After reviewing the Magistrate's Return and hearing arguments from the parties, Judge Murphy

[1] Case number 2025CV0810606094

filed an Order Denying Appeal. In that order, Judge Murphy concluded that the Magistrate properly issued the Warrant of Ejectment due to Appellants' failure to pay their rent in a timely manner. Appellants challenged that order by filing a Notice of Appeal in this Court.[2]

After commencing the appeal, Appellants submitted a motion asking this Court to stay enforcement of the lower courts' orders. The Court granted a "temporary" stay in an order filed on May 1, 2026. In that order, the Court remanded the case to the Circuit Court for the limited purpose of conducting "an expedited hearing on Appellants' motion to stay and determination of an appeal bond." While the parties were waiting for the Circuit Court to act, the transcript for the original hearing was delivered on May 18, 2026.

The Honorable S. Bryan Doby heard Appellants' motion to stay on May 26, 2026. Judge Doby granted the requested stay, but required Appellants to pay a bond of $3,997.25 to Respondent no later than June 1, 2026, and further required Appellants to pay Respondent $2,494.50 plus utilities (i.e. the monthly rent) on the first of every month beginning on June 1, 2026. Although Judge Doby announced his decision prior to June 1, 2026, his order was not formally filed until June 4, 2026 ("the Bond Order").

Appellants did not pay the full ordered amounts on June 1, 2026. One week after that deadline, Appellants filed an Emergency Motion to Determine Compliance with the Bond Order. On June 18, 2026, Appellants filed an "Initial Appellant's Brief" that addressed only alleged deficiencies in the Bond Order. That document did not set forth any arguments about the Magistrate's original ejectment order or the Circuit Court's Order Denying Appeal. Indeed, it did

[2] The Order Denying Appeal was not filed until April 22, 2026. Based on statements indicating how Judge Murphy intended to rule, Appellants filed their Notice of Appeal on April 17, 2026 – five days before the effective date of the actual order.

not even reference those orders. Although that Initial Brief was not accompanied by a second Notice of Appeal, it appeared to be an attempt to appeal the Bond Order directly.

Indeed, that is exactly how the Circuit Court treated it. In an order filed on June 22, 2026, regarding the Emergency Motion to Determine Compliance with the Bond Order, the Circuit Court stated, "On June 18, 2026, Defendants/Appellants filed an appeal of the June 4, 2026 Bond Order in The South Carolina Court of Appeals" and that, as a result, the motion "is stayed, pursuant to Rule 241, pending the outcome of the appeal in this matter."

Since filing the de facto appeal of the Bond Order, Appellants have filed multiple motions to supplement the record in this Court. However, Appellants have never filed any initial brief setting forth any arguments or authorities to support reversal of the ejectment order and the Order Denying Appeal.

ARGUMENT

I. The appeal should be dismissed because Appellants have failed to file and serve a timely initial brief regarding the order referenced in the Notice of Appeal.

After filing a Notice of Appeal as to the Order Denying Appeal, Appellants ordered a transcript of the Circuit Court hearing. The court reporter delivered that transcript on May 18, 2026. Pursuant to Rule 208(a)(1), SCACR, that meant Appellants' initial brief had to be served and filed no later than June 17, 2026. Appellants clearly did not meet that deadline and, thus, failed to comply with the controlling rule. As a result, the Court must dismiss the appeal. *See* Rule 208(a)(4), SCACR ("Upon the failure of the appellant to file and serve his brief within the time prescribed, the clerk of the appellate court shall sign an order dismissing the appeal") (emphasis added).

Appellants' "initial brief" filed on June 26, 2026, does not change that result, for two reasons. First, as previously noted, that purported initial brief does not contain any substantive arguments about the Magistrate's ejectment order or the Order Denying Appeal.[3] This means the initial brief would not be sufficient to present any issues regarding those orders to the Court. *See Video Gaming Consultants, Inc. v. S.C. Dept. of Revenue*, 342 S.C. 34, 42, 535 S.E.2d 642, 646 n. 7 (2000) ("an issue that is not argued in the brief is deemed abandoned and precludes consideration on appeal") (citing *First Sav. Bank v. McLean*, 314 S.C. 361, 363, 444 S.E.2d 513, 514 (1994)). Appellants further failed to cite or discuss any legal authorities to support arguments against those orders, which also prevents any review by the Court. *First Sav. Bank*, 314 S.C. at 363, 444 S.E.2d at 514. Second, even if the initial brief had contained arguments and authorities to support challenges to those orders, it still was not timely. Appellants had to serve and file a proper initial brief no later than June 17, 2026 – a deadline they plainly did not meet.

Appellants' pro se status does not excuse their failure to comply with Rule 208(a)(1). The South Carolina Supreme Court has stated that "[a] pro se litigant who knowingly elects to represent himself assumes full responsibility for complying with substantive and procedural requirements of the law." *State v. Burton*, 356 S.C. 259, 265, 589 S.E.2d 6, 9 n. 5 (2003).

Therefore, pursuant to Rule 208(a)(4), SCACR, this Court should dismiss this appeal, which would also render moot all of Appellants' arguments about the Bond Order.

II. Any attempted direct appeal of the Bond Order should be dismissed.

The initial brief filed by Appellants references only the Bond Order and requests that the Court review and reverse that order. In that sense, the initial brief appears to be Appellants' attempt

[3] The language of the "Conclusion" of the June 18, 2026, filing makes it abundantly clear that it addresses only the Bond Order: "For the foregoing reasons, Appellants respectfully request that the Court of Appeals review the June 4, 2026 Bond Order, grant appropriate relief, and remand for further proceedings as necessary." (emphasis added)

to commence a separate appeal for the Bond Order. To the extent that is Appellants' intention, this Court should dismiss that second appeal for multiple reasons.

First, Appellants did not commence an appeal by filing a second Notice of Appeal pursuant to Rule 203, SCACR. Nor did Appellants seek to amend their original Notice of Appeal to include the Bond Order as well as the original orders. Appellants instead skipped straight to submitting an initial brief that addresses purported flaws in the Bond Order. But Appellants could not properly raise and assert those arguments as an additional appeal without first complying with the procedural rules. They clearly failed to do that, and to the extent the initial brief is an attempt for a direct appeal of the Bond Order, it should be dismissed.

Second, even if the initial brief could be construed as a legitimately commenced appeal of the Bond Order, dismissal would still be warranted because that kind of direct appeal is not the procedure set forth in the Appellate Court Rules. Rule 241(d)(2) covers review of supersedeas or stay orders entered for purposes of an appeal. That rule states:

> After the lower court or administrative tribunal has ruled, any party may petition the appellate court where the appeal is pending for review of the order. An individual judge or justice may grant or deny the relief on a temporary basis, and refer the matter to the full appellate court to hear and determine the matter, or he or she may issue a final order. Upon the issuance of a final order by an individual judge or justice, an aggrieved party may petition the full appellate court for review of that decision.

Rule 241(d)(2), SCACR (emphasis added). As the emphasized language demonstrates, the rule allows for a party to seek review of a bond order through a petition in the already existing appeal. It does not make any provision for an additional, direct appeal of a bond order.

Here, as previously discussed, Appellants did not file a petition pursuant to Rule 241(d)(2), but attempted to commence a separate, direct appeal by filing a purported initial brief relating to the Bond Order. That was not a viable procedural option under the governing rules. Thus, the Court should dismiss Appellants' initial brief and any additional appeal it seeks to assert. Appellants would then, of course, be able to file a petition under Rule 241(d)(2) if they choose to do so.[4]

This request to make Appellants follow the proper procedure is not an attempt to harass Appellants with technicalities. Rather, it is necessary in order to clear up the Circuit Court's apparent confusion about the status of the Bond Order and the issue of whether or not Appellants have complied with it. In its order dated June 22, 2026, the Circuit Court indicated that Appellants had "filed an appeal of the June 4, 2026 Bond Order" and, as a result, the motion to determine compliance with that order was stayed. That assertion was incorrect, however, as the applicable rule calls for review of the Bond Order to come through a petition in this existing appeal, not a separate appeal. Granting Respondent's requested relief (i.e. dismissing or striking the purported initial brief) would provide the necessary clarification to the Circuit Court, which could then conduct further proceedings on Appellants' Emergency Motion to Determine Compliance with the Bond Order. Again, none of that would prevent Appellants from later filing a petition for review of the Bond Order under Rule 241(d)(2), assuming their appeal remains in force. Therefore, Respondent's requested relief would not result in any prejudice to Appellants.

III. <u>Absent dismissal of the purported initial brief, this Court should allow the Bond Order to remain in force on its original terms.</u>

If this Court accepts Appellants' submission as a petition for review of the Bond Order and undertakes such review, the terms of that order should be upheld. Appellate courts review decisions to grant a stay for purposes of an appeal under the abuse of discretion standard. *Midlands Util., Inc. v. S.C. Dept. of Environmental Control*, 287 S.C. 483, 339 S.E.2d 862 (1986). No abuse of discretion exists in the present case.

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[4] Again, because dismissal of the appeal is warranted for the reasons discussed in section I, no further submissions or proceedings regarding the Bond Order would be relevant or necessary.

The initial brief contains nothing more than conclusory statements about the Circuit Court's calculation of the bond amount.[5] For example, the "Argument" section devoted to the determination of the bond amount states only:

> The record demonstrates a continuing dispute concerning the accuracy of Respondent's rental ledger and account balance. Appellants submitted evidence of payments and challenged charges appearing on Respondent's records. Because the bond amount was derived from disputed figures, appellate review is warranted.

[Initial Brief, p. 2.] That cursory description might arguably identify a general issue, but it does not provide any specific details to demonstrate an abuse of discretion. It does not explain why the rental ledger was allegedly inaccurate or specify any charges that were improper. Instead, it states only that the bond amount arose from "disputed figures," without providing any information to show <u>why</u> or <u>how</u> those disputes existed. Consequently, Appellants have not provided any basis for a meaningful review of the Bond Order, and they certainly have not established any abuse of discretion by the Circuit Court.[6]

Section III of the Argument in the initial brief addresses only the question of whether Appellants have complied with the terms of the Bond Order. That issue is separate from the Circuit Court's decision establishing those terms in the first place. Thus, it is not properly part of any review by this Court of the Bond Order, and Respondent respectfully submits that the Circuit Court is in a better position to determine the issue of compliance once any review of the Bond Order is completed.

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5 Although the precise basis for Appellants' challenge to the Bond Order is unclear, it appears they contend the Circuit Court somehow erred in setting the amount and conditions of the bond. The order's only other effect was to grant a stay of enforcement of the ejectment warrant, which is the relief Appellants had requested.

6 The passage quoted above comes from section "I" of the Argument portion of the initial brief. Sections II and IV address essentially the same issue and similarly fail to provide any specific details, arguments or authorities to support Appellants' challenge to the Bond Order.

The Argument section of the initial brief demonstrates only one thing: Appellants disagree with the Circuit Court's calculation of the bond amount. It does not demonstrate how or why that calculation was incorrect in any way, let alone how the Circuit Court abused its discretion in making that decision. For that reason, this Court should reject Appellants' challenge of the Bond Order and allow it to remain in force under its stated terms and conditions.[7]

CONCLUSION

For the reasons set forth above, this Court should dismiss the appeal in its entirety or, alternatively, strike the purported initial brief and issue an order requiring Appellants to comply with the applicable rules in a timely manner.

Respectfully submitted,

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July 20, 2026

[7] For clarification, Respondent has asserted, and continues to assert, that Appellants failed to comply with the requirements of the Bond Order and that the stay established in that order should be dissolved. In asking this Court to reject Appellants' challenges to the Bond Order, Respondent is not conceding or waiving any arguments regarding Appellants' lack of compliance.

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PROOF OF SERVICE

The undersigned, attorney of record for the Respondent, certifies that on July 20, 2026 a copy of Respondent's **Motion to Dismiss Appeal** was served on the pro se Appellants Josetta Singleton, Jayla Singleton and Tinarris Williams at the following address: 129 Anthurium Drive, Summerville, SC 29486.

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