ELECTRONICALLY FILED - 2026 Jul 15 4:15 PM - SUMTER - COMMON PLEAS - CASE#2026CP4300634

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER	)	
State of South Carolina,	)	
	)	C/A No. 2026-CP-43-000634
Respondent,	)	
	)	ORDER DENYING APPEAL
v.	)	
	)	
Kevin L. Nelson,	)	
	)	
Appellant.	)	

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SC Court of Appeals

This matter is before the Court on the appeal of Appellant Kevin L. Nelson for his conviction in the Sumter County Magistrate Court. After reviewing the Notice of Appeal, the return from Magistrate Court, the applicable law, and hearing from the parties on July 14, 2026, the Court concludes that the appeal must be denied.

South Carolina law requires that an appeal from magistrate court be perfected by filing a notice of appeal with the Clerk of Court and serving both the magistrate and the prosecuting agency within ten (10) days after sentencing. S.C. Code Ann. § 18-3-30(A). The Court finds that Appellants failed to perfect their appeals within the time prescribed by statute.

Compliance with the requirements of section 18-3-30(A) is mandatory. Although a failure to comply with the statute does not deprive the circuit court of subject matter jurisdiction, it deprives the Court of Common Pleas of appellate jurisdiction to review the magistrate court's judgment. *State v. Brown*, 358 S.C. 382, 596 S.E.2d 39 (2004). Accordingly, because Appellant failed to timely perfect his appeal, dismissal is required.

Even assuming the appeal had been timely perfected, the Court further concludes that the appeal fails to present a preserved error of law subject to appellate review. Appeals from magistrate court are governed by S.C. Code Ann. §§ 18-3-10 and 18-3-70, which limit this Court's review to preserved legal errors appearing on the record. The Court does not conduct a trial de novo, reweigh the evidence, or reassess witness credibility. *State v. Henderson*, 347 S.C. 455, 556 S.E.2d 691 (Ct. App. 2001); *State v. Bailey*, 368 S.C. 39, 627 S.E.2d 37 (Ct. App. 2006); *City of Landrum v. Sarratt*, 352 S.C. 139, 572 S.E.2d 476 (Ct. App. 2002).

The Notice of Appeal in this matter does not identify any ruling by the magistrate that allegedly constituted legal error. Rather, Appellant Nelson argues that he was not engaged in hunting activity, that witnesses would support his version of events, and that he misunderstood the consequences of paying the citation. These arguments seek to relitigate disputed facts and obtain a new hearing, relief that is unavailable on appeal from magistrate court.

The Court further finds that the Appellant has not alleged a jurisdictional defect, a defect apparent on the face of the charging documents, an illegal sentence, or any other error of law appearing on the face of the record. See *Bayly v. State*, 397 S.C. 290, 724 S.E.2d 182 (2012); *Badeaux v. Davis*, 337 S.C. 195, 522 S.E.2d 835 (Ct. App. 1999); *State v. Ramsey*, 398 S.C. 275, 727 S.E.2d 429 (Ct. App. 2012). Instead, the appeal challenges only the factual basis for the

conviction and Appellant's alleged misunderstandings regarding the collateral consequences of paying his fines. Those issues are not reviewable within the limited scope of appellate review authorized by South Carolina law.

Additionally, section 18-3-30(A) requires that a notice of appeal states the grounds upon which the appeal is founded. The Notice of Appeal fails to identify a preserved legal issue for review. Instead, it presents factual assertions and equitable arguments that do not constitute legal exceptions reviewable by this Court. Accordingly, the Notice of Appeal is legally insufficient to invoke appellate review.

For these reasons, the Court concludes that Appellant failed to perfect his appeal in accordance with S.C. Code Ann. § 18-3-30(A). Alternatively, even if the appeal was timely perfected, Appellant has failed to present any preserved error of law or other reviewable issue that would warrant reversal of the magistrate court's judgments.

IT IS THEREFORE ORDERED THAT the appeal of Kevin L. Nelson is **DENIED**, and the judgment entered by the Sumter County Magistrate Court is **AFFIRMED**.

IT IS SO ORDERED.

_____

The Honorable George M. McFaddin, Jr.
At Large Circuit Court Judge

Sumter, South Carolina

Date: _____

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Sumter Common Pleas

Case Caption:	Kevin L Nelson VS South Carolina Department Of Natural Resources
Case Number:	2026CP4300634
Type:	Order/Other

So Ordered

S/George M. McFaddin, Jr., #2759