

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Jul 27 2026

SC Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Appellate Case No. 2026-000840

Reginald P. Johnston and Shonda D. Johnston,

Appellants,

v.

City of Walterboro,

Respondent.

MOTION TO DISMISS

ARGUMENT

I. APPELLANTS' BRIEF FAILS TO IDENTIFY ANY REVIEWABLE ISSUE AS
REQUIRED BY RULE 208(b)(1)(B), SCACR.

Appellants' Statement of Issues does not identify any legal issue for appellate review. Instead, it merely requests that this Court "reconsider" the circuit court's summary judgment order pursuant to Rule 60(b)(3), SCRCP, and alleges that Respondent's counsel misrepresented statutory definitions.

Rule 208(b)(1)(B), SCACR, requires "[a] statement of each of the issues presented for review." The Rule further provides that "[o]rdinarily, no point will be considered which is not set

forth in the statement of the issues on appeal.” Appellants identify no legal issue for review. Instead, they request reconsideration under Rule 60(b)(3), SCRCP. Because Appellants have failed to identify any reviewable issue, the appeal should be dismissed.

This Court holds *pro se* Appellants to the same standards that apply to attorneys. Hill v. Dotts, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct. App. 2001). “South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.” Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794, 794 (1992). It is the appellant's burden to identify alleged error and demonstrate reversible error on appeal. Watson v. Underwood, 407 S.C. 443, 452, 756 S.E.2d 155, 160 (Ct. Appeals 2014). This Court may dismiss an appeal for failure to comply with the Rule. Henning v. Kaye, *Id.*

Because Appellants have failed to identify any issue presented for review as required by Rule 208(b)(1)(B), Respondent cannot meaningfully respond to any alleged appellate error, and this Court has no properly presented issue to decide. Accordingly, the appeal should be dismissed.

II. ASSUMING ARGUENDO THAT APPELLANTS ADEQUATELY IDENTIFIED AN ISSUE FOR REVIEW, APPELLANTS HAVE ABANDONED THE ISSUE ON APPEAL BY FAILING TO PRESENT ARGUMENTS RELATED TO THEIR ISSUE ON APPEAL.

“An issue raised on appeal but not argued in the brief is deemed abandoned and will not be considered by the appellate court.” Fields v. Melrose Ltd. P’ship, 312 S.C. 102, 106, 439 S.C. 2d 282, 284 (Ct. App. 2006). “Because OFI did not cite to any authority and failed to present further argument as to how this ruling was an abuse of the circuit court's discretion or otherwise legally erroneous, we find it has abandoned this issue on appeal.” Oien Family Invs., LLC v. Piedmont

Mun. Power Agency, 424 S.C. 168, 817 S.E.2d 647 (S.C. App. 2018)(citing Rule 208(b)(1)(D), SCACR).

The sole “Statement of Issues” asserts that the circuit court should reconsider its order pursuant to Rule 60(b)(3), SCRCF. However, the Argument section contains four unrelated headings—Declaratory Judgment, Breach of Contract, Gross Negligence, and Inverse Condemnation. None of these sections discusses Rule 60(b)(3), the alleged misrepresentation, or the circuit court's purported error in denying relief under that rule. Thus, even assuming Appellants identified an issue for review, they have abandoned it by failing to present any argument addressing any issues.

Appellants have failed to present arguments to the Court related to the matters referenced in the “issues on appeal;” and therefore, Appellants’ have abandoned these issues.

III. APPELLANTS' BRIEF FAILS TO COMPLY WITH RULE 208(B)(1)(D), SCACR, BECAUSE IT CONTAINS NO CITATIONS TO THE RECORD AND NO SUPPORTING LEGAL AUTHORITY.

Rule 208(b)(4), SCACR, provides that “[t]he brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal to support the salient facts alleged.” Rule 208(b)(1)(E) further requires each issue be followed by “discussion and citations of authority.”

“South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review.” Glasscock, Inc. v. United States Fidelity & Guaranty Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001).

Appellants' Brief contains no citations to the Record on Appeal, cites no South Carolina appellate authority, and consists only of unsupported factual assertions and conclusory allegations.

Although Appellants list various statutes and constitutional provisions, they provide little or no legal analysis explaining how those authorities establish reversible error by the circuit court. Under Rule 208, SCACR, and the decision in Glasscock and other South Carolina caselaw, such arguments are abandoned and present nothing for appellate review.

Appellants' issues have been abandoned and the Court has no issues for review. Accordingly, Appellants' appeal should be dismissed.

CONCLUSION

For the reasons set forth above, Respondent prays for an Order dismissing Appellants' Appeal.

Respectfully submitted,

July 24, 2026

s/ Peden Brown McLeod, Jr.
Peden Brown McLeod, Jr., SC Bar No. 74967
111 East Washington Street
Walterboro, SC 29488
Attorney for Respondent

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Jul 27 2026

SC Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Circuit Court Judge

Appellate Case No. 2026-000840

Reginald P. Johnston and Shonda D. Johnston,

Appellants,

v.

City of Walterboro,

Respondent.

PROOF OF SERVICE

I certify that I have served Respondent's *Motion to Dismiss Appeal* on Reginald P. Johnston and Shonda D. Johnston by sending a copy via U.S. mail on July 27, 2026, to 832 Hunter Hill Road, Camden, SC 29020-1673 and via electronic mail on July 24, 2026, to reggiej1957@gmail.com which has been by Appellants in this Appeal for service.

July 27, 2026

s/ Peden Brown McLeod, Jr.
Peden Brown McLeod, Jr., SC Bar No. 74967
McLeod Fraser & Cone, LLC.
Post Office Drawer 230
Walterboro, SC 29488
(843)549-2516
Attorneys for the Respondent