

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Diane S. Goodstein, Circuit Court Judge

Case No. 2025- CP-10-07146

Marie Middleton,

Appellant,

v.

Wilson Walpole,

Respondent.

NOTICE OF APPEAL

Marie Middleton appeals the order of the Honorable Diane S. Goodstein dated July 14, 2026. Appellant has not received written notice of entry of this order and service of process has not been made by the lower court to date to Appellant. Appellant was notified of the order after a search of the Charleston County Public Index Search on August 9, 2026.

RECEIVED

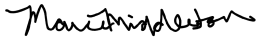
Aug 13 2026

SC Court of Appeals

2026 AUG 13 P 1:13
CLERK OF COURT

FILED

Date: August 11, 2026

s/ 

Name: Marie Middleton

Address: 5375 Peerless Place Drive,
Wadmalaw Island, SC 29487

Phone: (310) 595-0275

Email: mariemiddleton31@gmail.com

Other Counsel of Record:

Name: William K. Kalivas, Esq.

Address: 225 Seven Farms Drive, Suite 203
Daniel Island, SC 29492

Phone: (843) 607-0254

Email: will@smithlawcarolinas.com

Respondent/Attorney for Respondent

THE STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
MARIE MIDDLETON,)
APPELLANT,)
VS)
WILSON WALPOLE,)
RESPONDENT.)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

CASE NO. 2025-CP-10-07146

ORDER

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SC Court of Appeals

This matter came before the Court on June 18, 2026, pursuant to Appellant Marie Middleton's Appeal from the Magistrate Court of Charleston County, South Carolina. The Appellant appeared pro se and counsel of record, William K. Kalivas, appeared on behalf of Respondent. After consideration of the Magistrate's Appeal, arguments of the parties, and the applicable law, the judgment of the Charleston County Magistrate Court is AFFIRMED.

BACKGROUND

On November 10, 2025, Respondent Walpole filed a Complaint and Motion for a Restraining Order against Appellant Middleton, alleging harassment and stalking arising from ongoing neighborhood disputes. On November 17, 2025, Appellant Middleton filed a Complaint and Motion for a Restraining Order against Respondent Walpole. These matters, together with two related companion cases, were consolidated and proceeded to a bench trial before Magistrate Court Judge Laura C. Waring on December 2, 2025.

On December 2, 2025, each party was represented by counsel and appeared before the Magistrate Court. During the consolidated hearing on December 2, 2025, Respondent presented multiple witnesses and introduced several exhibits into evidence, including video footage of

several of the incidents referenced in the Complaint and Motion. At trial, Respondent Walpole testified regarding multiple neighborhood interactions, including disputes concerning alleged fireworks, removal of trash and sod from a common area, alleged filming of residents, and a December 31, 2024 encounter on a private roadway in which Appellant Middleton confronted the Respondent regarding fireworks and used profane language toward his wife. Alyssa Walpole also testified regarding concerns about alleged filming of children, an incident involving Appellant Middleton's dog near children, and perceived unsafe driving within the neighborhood. Appellant did not present any witnesses other than herself, nor were any exhibits entered into evidence. Appellant Middleton disputed the allegations and characterized the disputes as arising primarily from homeowners' association issues.

Following the presentation of evidence and the matter being taken under advisement, Magistrate Court Judge Laura C. Waring found that the testimony established a pattern of unwanted contact over a period exceeding one year, sufficient to meet the statutory requirements for issuance of a restraining order. A final order, including issuance of a restraining order against Appellant Middleton, was entered on December 11, 2025. Thereafter, on December 31, 2025, Appellant filed this appeal. Notice of Appeal was served upon the Magistrate's Court and Respondent Walpole on January 5, 2026, by the Charleston County Sheriff's Office, as reflected in Affidavits of Service filed January 12, 2026. The Magistrate's Return was filed on January 23, 2026. In anticipation of the June 18, 2026 hearing, Appellant submitted Appellant's Brief on June 8, 2026, and Respondent filed Respondent's Brief in Opposition to Appeal on June 10, 2026.

STANDARD OF REVIEW

Under Rule 18(a) of the South Carolina Rules of Magistrates Court ("SCRMC"), "[a]ll appeals of judgments rendered by the magistrates court shall be to the circuit court of the county

where the judgment was rendered” and the appellant must “file a notice of appeal containing a statement of the grounds for appeal” within thirty days. Rule 18(a), SCRMC. Consistent with Rule 18(a), Section 18-7-10 of the South Carolina Code likewise provides that appeals from judgments rendered by a magistrate court “shall be to the circuit court of the county wherein the judgment was rendered.” S.C. Code Ann. § 18-7-10. Additionally, Section 14-5-340 authorizes circuit judges to “hear appeals from magistrates' courts...upon notice as required by law.” S.C. Code Ann. § 14-5-340. On appeal from the magistrates’ court, the circuit 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.” S.C. Code Ann. § 18-7-170. Furthermore, “[u]pon hearing the appeal the appellate court shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits.” S.C. Code Ann. § 18-7-170.

In reviewing a magistrate's decision, the circuit court is not bound by the lower court's findings of fact. *Richardson v. Piggly Wiggly Cent., Inc.*, 404 S.C. 231, 743 S.E.2d 858 (Ct. App. 2013) (citing *Parks v. Characters Night Club*, 345 S.C. 484, 490, 548 S.E.2d 605, 608 (Ct.App.2001)). However, “[d]ecisions relative to the veracity and credibility of witnesses can best be made by the trial judge who heard the witnesses and observed their demeanor.” *Church v. McGee*, 391 S.C. 334, 343, 705 S.E.2d 481, 485–86 (Ct. App. 2011) (citing *Thomas v. Mitchell*, 287 S.C. 35, 38, 336 S.E.2d 154, 155 (Ct. App. 1985)). “Because the appellate court lacks the opportunity for direct observation of the witnesses, it should accord great deference to trial court findings where matters of credibility are involved.” *Menne v. Keowee Key Prop. Owners' Ass'n, Inc.*, 368 S.C. 557, 567, 629 S.E.2d 690, 696 (Ct. App. 2006) (quoting *South Carolina Dep't of Soc. Servs. v. Forrester*, 282 S.C. 512, 516, 320 S.E.2d 39, 42 (Ct.App.1984)).

DISCUSSION

Under South Carolina law, magistrates courts have jurisdiction over actions seeking restraining orders against persons engaged in harassment or stalking, and these orders remain in effect for a fixed period of not less than one year. *See* S.C. Code Ann. § 16-3-1750; S.C. Code Ann. § 16-3-1700(A)–(C).

It is undisputed that this matter arises from conduct implicating South Carolina law which defines harassment in the first and second degree as well as stalking. *See* S.C. Code Ann. § 16-3-1700(A)–(C). More specifically, the statute provides, in relevant part, that “harassment in the first degree” means “a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress,” and may include repeated unwanted contact or surveillance of a targeted person’s residence, workplace, school, or other regularly occupied locations. S.C. Code Ann. § 16-3-1700(A).

The statute further provides that “harassment in the second degree” consists of “a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress,” and may include repeated verbal, written, or electronic contact. S.C. Code Ann. § 16-3-1700(B).

It also defines “stalking” as “a pattern of words, whether verbal, written, or electronic, or a pattern of conduct that serves no legitimate purpose and is intended to cause and does cause a targeted person and would cause a reasonable person in the targeted person’s position to fear” specified harms, including death, bodily injury, sexual contact, kidnapping, or property damage to the person or their family. S.C. Code Ann. § 16-3-1700(C).

On Appeal, Appellant contends the Magistrate Court erred as a matter of law in finding a pattern of conduct directed toward Respondent over a period exceeding one year and in concluding that the evidence met the burden of proof for issuance of a restraining order. The Court finds Appellant has not identified a legal error. Rather, Appellant's arguments, both in briefing and at the hearing, primarily challenge the Magistrate Court's factual findings, credibility determinations, and weighing of the evidence, which are not grounds for reversal on appeal absent legal error.

To the extent Appellant argued at length that her trial counsel was ineffective or failed to adequately present her case, such arguments are not properly before this Court on Appeal and do not constitute a cognizable basis for reversal. Appellate review is limited to correction of errors of law or fact by the trial court, not alleged deficiencies in trial representation.

Appellant's assertions that the record contains false or uncorroborated testimony are not supported by the record. The Magistrate's Return reflects that Respondent presented corroborating video evidence regarding at least one of the incidents relied upon by the court, as well as testimony from multiple witnesses and documentary exhibits. Appellant, in turn, presented her own testimony. The record further reflects no evidentiary objections were raised at trial.

Appellant's reliance on incidents involving her dog and an alleged encounter with Respondent's mother is misplaced, as the Magistrate Court expressly found those incidents were not material to its decision. Furthermore, to the extent Appellant seeks to relitigate the denial of her own restraining order or raise issues beyond the scope of the Appeal, those arguments are not properly before this Court.

The Court is mindful that, in an appeal from the magistrate court, the circuit court "shall give judgment according to the justice of the case, without regard to technical errors and defects which do not affect the merits." S.C. Code Ann. § 18-7-170. Accordingly, upon consideration of

the Magistrate's Return, the briefs of the parties, and the arguments presented, this Court finds no error of law. The Court further defers to the Magistrate Judge Laura C. Waring's findings of fact as "veracity and credibility of witnesses can best be made by the trial judge who heard the witnesses and observed their demeanor." *Church v. McGee*, 391 S.C. 334, 343, 705 S.E.2d 481, 485–86 (Ct. App. 2011) (*citing Thomas v. Mitchell*, 287 S.C. 35, 38, 336 S.E.2d 154, 155 (Ct. App. 1985)). Therefore, based on the foregoing reasons, the judgment of the Charleston County Magistrate Court is hereby **AFFIRMED**.

IT IS SO ORDERED!

The Honorable Diane S. Goodstein
Circuit Court Judge



Case Caption: Marie Middleton VS Wilson Walpole
Case Number: 2025CP1007146
Type: Order/Other

It is so Ordered!

s/Diane S. Goodstein

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

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In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Diane S. Goodstein, Circuit Court Judge

Case No. 2025- CP-10-07146

Marie Middleton,

Appellant,

v.

Wilson Walpole,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Wilson Walpole by depositing a copy of it in the United States Mail, postage prepaid, on August 11, 2026, addressed to, c/o William K. Kalivas, Esq. of the Smith Law Group of Carolinas, 225 Seven Farms Drive, Suite 203, Daniel Island, SC 29492.

Date: August 11, 2026

/s/ Marie Middleton
Name: Marie Middleton
Address: 5375 Peerless Place Drive,
Wadmalaw Island, SC 29487
Phone: (310) 595-0275
Email: mariemiddleton31@gmail.com

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