

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

**RECEIVED**

**Aug 24 2026**

**SC Court of Appeals**

**Ashley Williamson, Appellant,**

**v.**

**Rock Pointe II, Respondent.**

**Appeal from the York County Circuit Court**

**Hon. William A. McKinnon, Presiding**

**Mecklenburg Case No. 2024-CV-46103-00028**

**Circuit Court Case No. 2024-CP-4600289**

**Appellate Case No. 2024-000279**

**BRIEF OF APPELLANT**

**Ashley Williamson**

**2344 Ridgerock Lane, Apt 107**

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**Appellant, Pro Se**

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## **TABLE OF AUTHORITIES**

### **Statutes**

- S.C. Code Ann. § 27-40-710 (Notice Requirements for Termination of Tenancy)
- S.C. Code Ann. § 27-40-770 (Remedies; Retaliatory Conduct Prohibited)
- S.C. Code Ann. § 22-3-1000 (Right to Appeal from Magistrate's Court)
- Rule 208, SCACR (Briefs)

### **Cases**

- *State v. Wilson*, 367 S.C. 617, 627 S.E.2d 708 (2006)
- *City of Charleston v. Mitchell*, 323 S.C. 124, 473 S.E.2d 909 (Ct. App. 1996)
- *Miller v. City of Columbia*, 360 S.C. 270, 600 S.E.2d 537 (Ct. App. 2004)

## **STATEMENT OF ISSUES ON APPEAL**

1. Whether the Magistrate Court erred in denying Appellant a fair hearing despite Appellant's timely request within the statutory ten (10) day period after service of eviction.
2. Whether the Magistrate Court failed to apply the statutory notice requirements under S.C. Code Ann. § 27-40-710.
3. Whether the Magistrate Court's decision was influenced by bias or partiality, depriving Appellant of due process.
4. Whether the Circuit Court erred in affirming the Magistrate Court's ruling despite clear procedural and factual errors.

## **STATEMENT OF THE CASE**

This appeal arises from an eviction action filed by Respondent (Landlord) against Appellant (Tenant) in York County Magistrate Court on or about January 4, 2024. Appellant timely contacted the Magistrate Court on January 11, 2024, within the ten (10) day statutory window, to request a hearing but was misinformed by a court representative. Appellant's counsel later filed a motion for a fair hearing, which was denied. The Circuit Court affirmed on February 15, 2024. Appellant now appeals to this Honorable Court. **(R. pp. 3, 20-31.)**

## **STATEMENT OF FACTS**

1. On January 4, 2024, Appellant was served with an eviction notice for “end of tenancy or occupancy.” **(R. pp. 23-25.)**
2. On January 11, 2024, Appellant contacted the York County Magistrate Court within the 10-day period to request a hearing. **(R. pp. 20-22, 29-31.)**
3. A court representative advised Appellant that nothing could be done until served by a deputy. **(R. pp. 29-31.)**
4. Upon counsel's advice, Appellant attempted to call again to record the conversation, but the call went unanswered. **(R. pp. 29-31.)**
5. The Magistrate Judge, Jennifer Susan Kottka Colton, denied Appellant's motion, citing lack of credibility due to counsel's contradictory statement. **(R. pp. 20-22, 27-31.)**
6. The Magistrate Judge acknowledged that the Landlord failed to provide proper notice under §27-40-710. **(R. pp. 20-22, 27-31.)**
7. The Circuit Court affirmed the decision without addressing legal errors. **(R. p. 3.)**

## **ARGUMENT**

**I. The Magistrate Court Erred in Denying Appellant a Fair Hearing After Timely Request**

Appellant satisfied the 10-day requirement under S.C. Code Ann. § 27-37-20. The court's misinformation deprived Appellant of procedural due process, violating Article I, §3 of the South Carolina Constitution and the Fourteenth Amendment. (**R. pp. 20-22, 29-31.**)

## **II. The Landlord Failed to Provide Statutory Notice**

Under §27-40-710, landlords must provide written notice before filing eviction. The Magistrate Court acknowledged no notice was provided, making the eviction improper. (R. pp. 20-25, 27-31.)

## **III. Judicial Bias and Improper Credibility Findings**

The Magistrate's familiarity with the parties created bias, and credibility was assessed improperly, contrary to *Miller v. City of Columbia* (360 S.C. 270). (R. pp. 20-22, 27-31.)

## **IV. The Circuit Court Erred in Affirming Without Addressing Legal Errors**

The Circuit Court failed to correct procedural and legal errors, justifying reversal and remand for a fair hearing. (R. p. 3.)

## **CONCLUSION**

For the foregoing reasons, Appellant respectfully requests that this Honorable Court:

1. Reverse the decision of the Circuit Court
2. Vacate the eviction judgment; and
3. Remand for a full and fair hearing before a different Magistrate Judge.

Respectfully submitted this 8th day of October, 2025.

  
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## **SIGNATURE AND RULE 211(b) CERTIFICATION**

Pursuant to Rule 211(a), SCACR, I sign this Final Brief and certify that the Final Brief complies with Rule 211(b), SCACR.

Signature: Ashley Williamson

Ashley Williamson  
Appellant, Pro Se

Date: August 24, 2026

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**CERTIFICATE OF SERVICE**

I, Ashley Williamson, hereby certify that on August 24, 2026, I served a true and correct copy of the foregoing Final Brief of Appellant by depositing a copy in the United States mail, properly addressed with sufficient postage prepaid, to the following counsel for Respondent:

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