

May 21 2024

90 Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW)
Christine Jernigan and Justin Jernigan,)
Plaintiff,)
vs.)
Kershaw County Sheriff's Office,)
Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2022-CP-28-00782

**ORDER DENYING PLAINTIFFS' MOTION
TO RECUSE, VACATE, AND REASSIGN;
OR, ALTERNATIVELY, TO RECONSIDER
INTERLOCUTORY ORDER**

This matter is before the Court upon Plaintiffs' Motion to Recuse, Vacate, and Reassign; or Alternatively, to Reconsider Interlocutory Order ("Motion"). The Motion asks this Court to recuse, vacate, and reassign pursuant to Judicial Canon 3E(1), CJC, Rule 501; or, in the alternative, to alter, amend, or reconsider its Interlocutory Order filed June 14, 2023. Plaintiffs argue Judge Coble should: (1) be recused; (2) vacate and reassign the June 2, 2023 Order denying Plaintiff's February 23, 2023 Motion for Sanctions/Contempt; and/or (3) reconsider the June 2, 2023 Order for resolution.

Under South Carolina law, if there is no evidence of judicial prejudice, a judge's failure to disqualify himself will not be reversed on appeal. *Roche v. Young Bros., Inc.*, 332 S.C. 75, 504 S.E.2d 311 (1998). "As the threshold for a showing of bias is high, a finding of judicial bias must be based on an abiding impression left from a reading of the entire record, not from particular comments or ruling considered in isolation." *Alexander v. Parks*, 834 Fed.Appx. 778 (2020) (internal citations omitted). "It is not sufficient for a party seeking a judge's disqualification to simply allege bias; the party must show some evidence of bias or prejudice." Appellate Court Rule 501, Code of Jud. Conduct, Canon 3, subd. E(1)(a).

After reviewing the applicable law and considering the arguments raised by the parties, the Court finds no evidence of judicial bias or prejudice. Plaintiffs' Motion is based solely on allegations

that are not supported by evidence. Accordingly, the Court concludes that disqualification is unwarranted. As such, Plaintiffs' Motion to Recuse, Vacate, and Reassign is hereby **DENIED**.

Furthermore, after reviewing the applicable law and considering the arguments raised in the Motion, the Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered. Accordingly, the Court concludes that altering, amending, or reconsidering its prior Order is unwarranted, and the issues raised in the Motion do not change the Court's reasoning or conclusions. As such, Plaintiffs' Motion for Reconsideration is hereby **DENIED**,

AND IT IS SO ORDERED.

[JUDICIAL E-SIGNATURE PAGE TO FOLLOW]



Kershaw Common Pleas

Case Caption: Christine Jernigan , plaintiff, et al VS Sheriffs Office Kershaw County
Case Number: 2022CP2800782
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774