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Oct 21 2026

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Perry H. Gravely, Circuit Court Judge
Civil Case No: 2023-CP-03267
Magistrate Case No: 2018CV2311000074

Appellate Case No. 2023-001585

Bruce Wilson,.....Appellant,

v.

Joseph Hunter Bledsoe,Respondent.

PETITION FOR REHEARING

BY APPELLANT BRUCE WILSON

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Appellant, Pro Se

COMES NOW Appellant Bruce Wilson, proceeding pro se, and respectfully submits this Petition for Rehearing pursuant to Rule 221(a), SCACR. This appeal arises from the Circuit Court's October 3, 2023 order affirming the dismissal of Appellant's claim and delivery action after a jury returned a verdict in his favor, which this Court affirmed in Unpublished Opinion No. 2026-UP-457, filed October 21, 2026. Appellant asks the Court to grant rehearing, withdraw the opinion, and reverse, because the opinion overlooks material portions of the Record on Appeal and misapprehends the standard of review as applied to this record.

PRELIMINARY STATEMENT

The Court correctly held that the claim and delivery statutes do not require sales receipts, credit card statements, or any other proof of purchase to establish ownership and value. That holding resolves the principal legal question Appellant presented. The Court nonetheless affirmed on the ground that Appellant "failed to provide sworn testimony or any other evidence to identify the items taken, their value, or proof of ownership of those items," and that there is "no evidence in the record of ownership or value of the property other than Wilson's unnotarized affidavit and complaint." (Op. at 2.)

Appellant respectfully submits that the opinion overlooks or misapprehends four matters. First, the Magistrate's own Return and order, and Respondent's own counsel, all described Appellant as having testified at the remand hearing to the specific items and to how he calculated their value. Second, the Circuit Court's affirmance expressly rested on the absence of receipts and similar documents, which is the very requirement this Court held the statutes do not impose, so the affirmance was influenced by an error of law. Third, ownership and Appellant's entitlement to the return of his property had already been decided by the jury and by the Circuit Court's unappealed March 20, 2023 order. Fourth, even accepting that no formal oath was administered, the proper

remedy was compliance with the remand mandate, not dismissal of a reinstated jury verdict. Each point was presented in Appellant's Amended Final Brief or arises directly from the reasoning of the opinion itself.

STATEMENT OF THE CASE

A. The Jury Verdict and the First Circuit Court Appeal

Appellant commenced this claim and delivery action in Gantt Magistrate Court with an itemized list of property and values attached to his Affidavit and Complaint. (R. pp. 60-65). At trial, Respondent moved for a directed verdict on the ground that Appellant had not established the specific items taken and their value. The Magistrate denied the motion and submitted the case to the jury, which returned a verdict for Appellant on October 24, 2022. (R. pp. 38, 52-53). The Magistrate then, on the court's own motion, entered judgment as if a directed verdict had been granted. (R. p. 38).

On March 20, 2023, the Circuit Court reversed. Relying on *Bossard v. Vaughn*, 68 S.C. 96, 46 S.E. 523 (1904), it held that Appellant's trial testimony, "along with the list submitted to the Magistrate and attached to pleadings and Orders is sufficient to satisfy the referenced statutes." (R. p. 40). It found that Appellant "established that he was entitled to the return of his property," ordered that "judgment be restored in favor of Appellant," and remanded "to hold a hearing for Appellant to establish the specific items and/or value of those items to be recovered." (R. p. 41). The Circuit Court explained that, although the list was attached to the Affidavit and Complaint, "the Affidavit was not notarized, so the Court does not have sworn testimony of the specific items subject to claim and delivery." (R. p. 41). Respondent did not appeal that order.

B. The Remand Hearing

At the June 7, 2023 remand hearing, Appellant addressed the itemized list before the Magistrate, corrected the quantity of one item and the value of another, and explained the depreciation method he used to calculate the value claimed. The Magistrate's Return to the Circuit Court describes Appellant as having "testified" to these matters. (R. pp. 18-19). The corrected list claimed a value of \$7,103.00 after depreciation. (R. pp. 31, 36). In her June 20, 2023 order, the Magistrate stated that "no item sought by the Plaintiff can be positively or uniquely identified" and that, "[b]ased on the testimony and evidence provided," Appellant had "failed to provide specific details, descriptions and values of items sought." (R. pp. 31-32). The same order acknowledged the Circuit Court's order restoring judgment for Appellant and directed the Constable to "take possession or supervise the removal of the property described (see attached list)." (R. pp. 32-36).

C. The Second Circuit Court Appeal

Appellant appealed that order to the Circuit Court on June 27, 2023. He contended that the order departed from the remand mandate, that he "testified at the hearing to establish the property/or value," and that the Magistrate was "bound by statute to enter a Judgement for the value of the Property." (R. pp. 24-27).

At the hearing on the second appeal, Respondent's counsel described the remand hearing to the Circuit Court as follows:

On Appellant's testimony: "So at the rehearing upon remand, Your Honor, Mr. Wilson presented his affidavit or his modified affidavit. He did testify to that and then he testified as to how he arrived at \$7,500 worth of calculation based simply on his research on Google."
(R. p. 12, Lines 12–16).

On whether anything other than testimony was introduced: THE COURT: "[W]as there anything introduced at the hearing other than testimony?" MR. McCARTY: "Your Honor, I don't have a specific recollection if anything was marked or introduced. I don't believe it was. I believe it was just Mr. Wilson did go through and amend some of the items"

(R. p. 15, Lines 15–21).

The October 3, 2023 order nonetheless found that Appellant "argued his case, but failed to present any sworn testimony," and stated that Appellant did not provide "a copy of any credit card receipts, credit card statements, store receipts, photographs, internet research, witnesses from any store, or any proof of purchase of a single item claimed." (R. p. 2). The same order acknowledged that Appellant "provided a list of items showing the amount he claim[ed] he paid for each item and then reduced the amount by an arbitrary figure for depreciation." (R. p. 2). On that basis, the Circuit Court affirmed and dismissed Appellant's claim. (R. p. 2).

D. This Court's Opinion

This Court held that the Claim and Delivery Section "does not require Wilson to provide sales receipts, credit card statements, or any other evidence of proof of purchase to establish ownership and value." (Op. at 2.) The Court affirmed, however, on the ground that Appellant failed to provide "sworn testimony or any other evidence" of the items, their value, or ownership, applying the rule that a magistrate's factual findings confirmed by the circuit court must be upheld if supported by any evidence, and the presumption that a circuit court's affirmance was made on the merits. (Op. at 2.)

LEGAL STANDARD FOR REHEARING

A petition for rehearing must comply with Rule 240, SCACR, "shall state with particularity the points supposed to have been overlooked or misapprehended by the court," must be actually received by this Court no later than fifteen days after the filing of the opinion, and shall not exceed fifteen pages. Rule 221(a), SCACR. Appellant identifies each point below with specific references to the Record on Appeal and to the opinion, and he does not raise any issue that was not before the Court.

POINTS OVERLOOKED OR MISAPPREHENDED

I. THE OPINION OVERLOOKS RECORD EVIDENCE, INCLUDING THE MAGISTRATE'S OWN RETURN AND RESPONDENT'S OWN ADMISSIONS, THAT APPELLANT TESTIFIED AT THE REMAND HEARING TO THE SPECIFIC ITEMS AND THEIR VALUE.

A. Every account of the remand hearing in the Record describes testimony.

The opinion states that Appellant failed to provide "sworn testimony or any other evidence to identify the items taken, their value, or proof of ownership." (Op. at 2.) Apart from the order under review, every account of the remand hearing in the Record describes testimony. The Magistrate who conducted the hearing reported to the Circuit Court that Appellant "testified" that the items had been purchased within the year before the dispossession for a total of \$11,275.00, "testified" that Item 9 should be reduced from fifteen shirts to ten, and "testified" that his 37% depreciation figure was based on a "Google" search. (R. pp. 18-19). Her June 20, 2023 order likewise states that "[t]he Plaintiff testified" to the source of his values, and it rests its findings on "the testimony and evidence provided." (R. pp. 31-32). Respondent's counsel, who attended the hearing, told the Circuit Court that Appellant "did testify" to his affidavit and "testified as to how he arrived at" the value claimed. (R. p. 12, Lines 12–16). When the Circuit Court asked directly whether anything other than testimony had been introduced, the same counsel answered that he did not believe so, and that Appellant went through and amended items on the list. (R. p. 15, Lines 15–22). Appellant gave the same account. (R. p. 8, Lines 15–19; R. p. 10, Lines 18–20).

Respondent did not contend otherwise below. The finding that Appellant presented no sworn testimony appears for the first time in the Circuit Court's order. The Magistrate's Return and order describe Appellant as having both argued and testified, but neither states that his testimony was unsworn, and both rely on it. (R. pp. 18-19, 31-32). On appeal, Respondent asserted that

Appellant's statements on remand were not given under oath, but cited no portion of the Record for that assertion, and the opinion does not address the contrary accounts summarized above.

B. The Record contains evidence of value beyond the unnotarized affidavit.

The opinion states that "[t]here is no evidence in the record of ownership or value of the property other than Wilson's unnotarized affidavit and complaint." (Op. at 2.) The Record contains more. According to the Magistrate, Appellant testified that the listed items were purchased within the year before the dispossession, gave their total purchase price as \$11,275.00 as corrected at the hearing, and applied a 37% depreciation figure, which produced the \$7,103.00 value he claimed. (R. pp. 18-19, 31, 36). The Circuit Court's own order acknowledges that Appellant provided a list showing the amount he paid for each item and reduced each amount by a depreciation figure. (R. p. 2). Respondent's counsel confirmed that Appellant explained how he arrived at the total value. (R. p. 12, Lines 12–16). An owner's account of what he paid for his own property and how it has depreciated is competent evidence of value under settled South Carolina law. *Waites v. S.C. Windstorm & Hail Underwriting Ass'n*, 279 S.C. 362, 307 S.E.2d 223 (1983) (holding it is well settled that an owner may testify to the value of damaged real and personal property). The Circuit Court characterized the depreciation figure as "arbitrary," but that characterization goes to weight, and the order did not weigh the evidence; it held that no evidence existed. Because the Record contains evidence on value, the opinion's statement that there is none overlooks material portions of the Record.

II. THE OPINION MISAPPREHENDS THE STANDARD OF REVIEW, BECAUSE THE CIRCUIT COURT'S AFFIRMANCE WAS EXPRESSLY INFLUENCED BY THE ERROR OF LAW THAT THIS COURT IDENTIFIED.

A. The presumption of a merits-based affirmance does not apply where the affirmance was influenced by an error of law.

The opinion relies on the rule that this Court "will presume that an affirmance by a [c]ircuit [c]ourt of a magistrate's judgment was made upon the merits where the testimony is sufficient to sustain the judgment of the magistrate and there are no facts that show the affirmance was influenced by an error of law." (Op. at 2, quoting *Hadfield v. Gilchrist*, 343 S.C. 88, 538 S.E.2d 268 (Ct. App. 2000), and *Burns v. Wannamaker*, 281 S.C. 352, 315 S.E.2d 179 (Ct. App. 1984).) By its terms, the presumption has two conditions, and the second is not met here.

The Circuit Court did not leave the basis of its ruling to inference. The operative passage of the October 3, 2023 order reads in full:

At the remand hearing on June 7, 2023, he argued his case, but failed to present any sworn testimony. Nor did Mr. Wilson provide a copy of any credit card receipts, credit card statements, store receipts, photographs, internet research, witnesses from any store, or any proof of purchase of a single item claimed. Mr. Wilson only provided a list of items showing the amount he claim he paid for each item and then reduced the amount by an arbitrary figure for depreciation, but still did not testify to the actual value of the items in question.
(R. p. 2).

From that passage the order concludes that Appellant "has not provided any evidence to support his claim for the alleged items taken or their value" and that he "failed to establish the items taken or their value." (R. p. 2).

Three features of the passage show that the demand for documents was not an aside but the measure the Circuit Court applied. First, the order joins the absence of documents to the absence of sworn testimony with the word "Nor," presenting them as cumulative grounds for a single conclusion. Second, the order acknowledges the list Appellant did present, showing what he paid

for each item and the depreciation he applied, and then holds that he provided no "evidence" at all. (R. p. 2). An owner's statement of what he paid and how he depreciated it is evidence of value; it can be treated as no evidence only if documentary corroboration is required. Third, the order's inventory of what was missing reaches well beyond receipts to "photographs, internet research, [and] witnesses from any store." (R. p. 2). None of those things appears in the statute. Section 22-3-1320 requires only a showing of "[t]he actual value of such personal property," S.C. Code Ann. § 22-3-1320(5). The Circuit Court itself quoted that provision in its March 20, 2023 order. (R. pp. 39-40).

The documentary-proof standard did not originate with the Circuit Court. It began as Respondent's argument at the remand hearing that "there had been no receipts, credit card statements, or proof of purchase indicating ownership or the value of the items." (R. p. 19). The Magistrate's order recited that argument (R. p. 31), and the Circuit Court's order adopted it as a ground of decision. (R. p. 2). Appellant objected to it at each stage. His notice of appeal assigned as error the ruling that value could not be established "because Appellant did not have Receipts, or Credit payments to prove value of the property." (R. p. 27).

At the hearing on the second appeal, Appellant told the Circuit Court:

"Now, I had went through the statute dealing with a claims and delivery. I went through it completely, all the way. I have not found anywhere, in the statute, where it comports that the individual must have some receipts, have credit card statements. None of that. In fact, 22 3 13 20 (phonetically) of that statute, paragraph 5, simply says that an actual value of the personal property."
(R. p. 9, Lines 6–13).

"But the Court, for some reason, says that because I didn't have receipts or credit card statements that she couldn't prove ownership and I think the jury had already done that, Your Honor."
(R. p. 10, Lines 24–25; p. 11, Lines 1–2).

"So I just think that this order is just way out of line and it doesn't comport to how the statute is written on how to come up with the value of these items. There's no -
- nothing about from receipts or credit card statements."

(R. p. 15, Lines 11–14).

The affidavit form on which this action was commenced asks the plaintiff to state how value was determined, and Appellant answered: "Original purchase price of items minus depreciation value; at the time of removal." (R. p. 60). That is the same method the Circuit Court found wanting for lack of receipts.

This Court has now held that the claim and delivery statutes require none of the documents the Circuit Court found missing. (Op. at 2.) Because the documentary-proof requirement and the "no sworn testimony" statement appear in the same passage and lead to the same conclusion, nothing in the order indicates that the Circuit Court would have reached the same result under the correct standard. The affirmance was therefore influenced by an error of law on the face of the order, and the presumption on which the opinion relies does not apply. The order's list is also inconsistent with the Record in its own terms. It faults Appellant for providing no "internet research," yet Respondent's counsel told the Circuit Court that Appellant's valuation was "based simply on his research on Google," and the Magistrate's order says the same. (R. p. 12, Lines 14–16; R. p. 31).

Burns itself illustrates the exception. There, this Court declined to presume a merits-based affirmance because "it clearly appears that the Circuit Court applied an erroneous standard of review and failed to accord the contested facts the scrutiny which Section 18-7-170 contemplates." *Burns v. Wannamaker*, 281 S.C. 352, 315 S.E.2d 179 (Ct. App. 1984). The same is true here. The Circuit Court measured Appellant's proof against a documentary standard that the statutes do not impose, and it did not give the Record the review that section 18-7-170 requires.

B. The finding that no testimony was presented is not a magistrate's finding confirmed by the circuit court.

The opinion also applies the rule that a "magistrate's factual findings, confirmed by the circuit court, must be upheld by the appellate court if supported by any evidence." (Op. at 2, quoting *Union Cnty. Sheriff's Off. v. Henderson*, 395 S.C. 516, 719 S.E.2d 665 (2011).) That rule rests on the concurrence of two tribunals. Here, the Magistrate did not find that Appellant failed to testify. Her order rests on "the testimony and evidence provided," and her Return reports that Appellant testified. (R. pp. 18-19, 31-32). The finding that Appellant "argued his case, but failed to present any sworn testimony" originates in the Circuit Court's order alone. (R. p. 2). The Magistrate did state that no item could be "positively or uniquely identified," but the same order directed the Constable to take possession of "the property described (see attached list)," so that statement cannot supply a concurrent finding that the items were unidentifiable. (R. pp. 31-36). Because the "no sworn testimony" finding is not a finding of the Magistrate confirmed by the Circuit Court, the deference described in *Henderson* does not attach to it, and the Record, read as a whole, does not support it.

III. THE OPINION OVERLOOKS THAT OWNERSHIP AND APPELLANT'S RIGHT TO RECOVER HIS PROPERTY WERE ALREADY ESTABLISHED BY THE JURY VERDICT AND BY THE CIRCUIT COURT'S UNAPPEALED MARCH 20, 2023 ORDER.

The opinion affirms in part because Appellant did not establish "proof of ownership," relying on authorities holding that a claim and delivery plaintiff must show title or a right to possession. (Op. at 2.) Appellant does not dispute that rule. The point overlooked is that the question of ownership had already been resolved in this case before the remand hearing took place.

Respondent moved for a directed verdict on the ground that Appellant had not established the specific items and their value; the Magistrate denied the motion, and the jury found for

Appellant. (R. pp. 38, 52-53). As the Circuit Court explained, the verdict "meant that the Appellant had established that he was entitled to return of some property taken by Respondent." (R. p. 40). The Circuit Court then held that Appellant "established that he was entitled to the return of his property," ordered that judgment be restored in his favor, and limited the remand to establishing "the specific items and/or value of those items to be recovered." (R. p. 41). What remained open on remand was which listed items Appellant would recover and their value, not whether he owned the property described in his pleadings. Respondent did not appeal that order.

An unappealed ruling is the law of the case. *ML-Lee Acquisition Fund, L.P. v. Deloitte & Touche*, 327 S.C. 238, 489 S.E.2d 470 (1997). Whatever its appealability at the time, the March 20, 2023 order restored judgment in Appellant's favor and confined the remand to the identification and value of the listed items. Ownership and the right to recover were therefore not open questions at the remand hearing, and the Circuit Court's October 3, 2023 order could not properly reopen them. The Magistrate's statement on remand that, without further identification, it was "impossible to arrive at a value for said items or establish ownership" went beyond the limited remand, and Appellant objected to it on that ground in his notice of appeal and at the hearing before the Circuit Court. (R. pp. 26, 31; R. p. 9, Lines 20–25; p. 10, Line 1). *Bossard v. Vaughn*, on which the March 20, 2023 order relied, confirms the point. In *Bossard*, the Supreme Court upheld a magistrate court claim and delivery verdict because the property was "very clearly identified by the pleadings, to which the verdict will be referred." The pleadings here contain the same itemized list that the Circuit Court had already held sufficient. (R. pp. 40, 60-65). Appellant raised the effect of the jury verdict and the March 20, 2023 order in his Amended Final Brief, and the opinion does not address it.

IV. IN THE ALTERNATIVE, THE OPINION OVERLOOKS THAT ANY DEFECT IN THE FORM OF THE REMAND TESTIMONY CALLED FOR COMPLIANCE WITH THE REMAND MANDATE, NOT DISMISSAL OF A REINSTATED JURY VERDICT.

Appellant's second issue on appeal was whether the Magistrate erred in failing to enter judgment pursuant to the limited remand. The remand was ordered for one purpose: to receive sworn proof of the specific items and their values, because the affidavit attached to the complaint had not been notarized. (R. p. 41). The hearing was convened, conducted, and controlled by the Magistrate, who heard from Appellant about the items and recorded his statements as testimony. (R. pp. 18-19, 31).

If the Court concludes that no formal oath was administered at that hearing, the consequence is that the remand mandate was not fulfilled, not that Appellant's claim fails. The Circuit Court's order, which the opinion affirms, refers to the "numerous opportunities" Appellant was given (R. p. 2), but there was a single remand hearing, and the Circuit Court had already held that the trial evidence, together with the pleadings, was sufficient. (R. p. 40). A defect in the form of a hearing that the court itself conducted is precisely the kind of "technical error[]" and defect[]" that the reviewing court must disregard when it does not affect the merits. S.C. Code Ann. § 18-7-170. Dismissing a claim on which judgment had been restored, without first affording the sworn hearing the Circuit Court ordered, forfeits a jury verdict over a matter of form rather than substance. At a minimum, the appropriate disposition is a remand for a hearing, limited to the identification and value of the listed items, at which Appellant's testimony is taken under oath.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, for the reasons stated above, Appellant Bruce Wilson respectfully requests that this Court:

1. Grant this Petition for Rehearing pursuant to Rule 221(a), SCACR;

2. Withdraw Unpublished Opinion No. 2026-UP-457;
3. Reverse the Circuit Court's October 3, 2023 order and remand with instructions to enter judgment on the reinstated jury verdict for the value Appellant established at the remand hearing;
4. In the alternative, reverse and remand to the Magistrate Court for a hearing, limited to the identification and value of the listed items, at which Appellant's testimony is taken under oath; and
5. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce Wilson", is written over a horizontal line.

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APPEAL FROM GREENVILLE COUNTY

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Appellate Case No. 2023-001585

Bruce Wilson,.....Appellant,

v.

Joseph Hunter Bledsoe,Respondent.

CERTIFICATE OF SERVICE

I, Bruce Wilson, do hereby certify that I have caused the **PETITION FOR REHEARING** in the above-referenced matter to be served on all known counsel of record as required by the Rule this 21st day of October, 2026, by United States Mail, first-class postage prepaid, and by electronic mail, to:

Kenneth Jay Anthony, Esquire
Anthony Law, LLC
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Respectfully submitted,



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Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *Bruce Wilson v. Joseph Hunter Bledsoe*
Appellate Case No. 2023-001585
Unpublished Opinion No. 2026-UP-457 (filed October 21, 2026)

Dear Clerk of Court:

Attached for filing in the above-referenced appeal is my Petition for Rehearing, submitted pursuant to Rule 221(a), SCACR, together with the Certificate of Service. A copy has been served on counsel for Respondent, as reflected in the Certificate of Service.

If your office needs anything further, please contact me at (864) 907-7080 or Brucewilson23@gmail.com.

Thank you for your assistance.

Respectfully,

s/ Bruce Wilson
Bruce Wilson
Appellant, Pro Se

Attachments: Petition for Rehearing; Certificate of Service

cc: Kenneth Jay Anthony, Esquire, Anthony Law, LLC (by email)