



The South Carolina Court of Appeals

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March 23, 2016

The Honorable Margaret Bostick
PO Box 248
Ridgeland SC 29936-0248

REMITTITUR

Re: Tonia D. Williams v. Geico Casualty Company
Lower Court Case No. 2009CP2700639
Appellate Case No. 2013-002645

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Clifford Bush, III, Esquire
R. Thayer Rivers, Jr., Esquire
Harry Clayton Brown, Sr., Esquire
Ernest Mitchell Griffith, Esquire
Kelly Dennis Dean, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Tonia D. Williams; Marion B. Smalls; T.W., by his
Guardians ad Litem, Tonia D. Williams and Charles
Williams; and S.S., by her Guardian ad Litem, Rita
Shaw, Appellants,

v.

Geico Casualty Company, Geico Indemnity Company,
Government Employees Insurance Company, Geico
General Insurance Company, Respondents.

Appellate Case No. 2013-002645

Appeal From Jasper County
Carmen T. Mullen, Circuit Court Judge

Unpublished Opinion No. 2016-UP-122
Submitted February 1, 2016 – Filed March 2, 2016

AFFIRMED

R. Thayer Rivers, Jr., of R. Thayer Rivers, Jr. Law
Office, of Ridgeland; Clifford Bush, III, of The Law
Offices of Clifford Bush, III, LLC, of Beaufort; and
Harry Clayton Brown, Sr., of Ridgeland, for Appellants.

Ernest Mitchell Griffith and Kelly Dennis Dean, both of Griffith, Sharp & Liipfert, LLC, of Beaufort, for Respondents.

PER CURIAM: Appellants appeal the circuit court's grant of summary judgment in favor of GEICO. Appellants argue (1) there was an enforceable contract between the parties of the non-spoilation request, and (2) South Carolina precedent does not preclude a cause of action for deliberate and intentional spoliation of evidence. We affirm¹ pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether there was an enforceable contract between the parties of the non-spoilation request: *Bryson v. Bryson*, 378 S.C. 502, 510, 662 S.E.2d 611, 615 (Ct. App. 2008) ("An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority."); *In re McCracken*, 346 S.C. 87, 92, 551 S.E.2d 235, 238 (2001) ("A bald assertion, without supporting argument, does not preserve an issue for appeal.").
2. As to whether South Carolina precedent precludes a cause of action for deliberate and intentional spoliation of evidence: *B & A Dev., Inc. v. Georgetown Cty.*, 372 S.C. 261, 271, 641 S.E.2d 888, 894 (2007) ("It is well settled that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial court to be preserved for appellate review.").

AFFIRMED.

FEW, C.J., and SHORT and THOMAS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.