

**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**

J. Gregory Hembree, on Behalf of the Horry County
Police Department, Respondent,

v.

Taurus .38 Special SN:sg53109, 1994 Monaco RV VIN:
1RF120611R1010972, and One Thousand Eight Hundred
and Forty Five Dollars (\$1,845.00), Defendant Property,

Michaela Albin, Individually and as Personal
Representative of the Estate of Michael James Albin,
Appellant.

Appellate Case No. 2014-001344

Appeal From Horry County
Larry B. Hyman, Jr., Circuit Court Judge

Unpublished Opinion No. 2016-UP-159
Submitted December 1, 2015 – Filed April 6, 2016

AFFIRMED

David James Canty, of David J. Canty, P.A., of Myrtle
Beach, for Appellant.

James Richard Battle, II, of Battle Law Firm, LLC, of
Conway, for Respondent.

PER CURIAM: Michaela Albin, individually and as personal representative of the Estate of Michael James Albin, appeals the circuit court's order. Albin argues the circuit court (1) abused its discretion in denying her attorney's fees and (2) erred in failing to award prejudgment interest and loss of use compensation for a recreational vehicle that was seized by the Horry County Police Department. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to the issue of attorney's fees: *Video Gaming Consultants, Inc. v. S.C. Dep't of Revenue*, 358 S.C. 647, 649-50, 595 S.E.2d 890, 891 (Ct. App. 2004) ("On appeal, the [circuit] court's decision regarding an award of attorney's fees under [section 15-77-300 of the South Carolina Code (Supp. 2015)] will not be disturbed absent an abuse of discretion."); S.C. Code Ann. § 15-77-300(A) (Supp. 2015) (permitting the circuit court to award attorney's fees to a prevailing party who is contesting state action); S.C. Code Ann. § 15-77-310 (2005) ("The party shall petition for the attorney's fees within thirty days following final disposition of the case."); *McDowell v. S.C. Dep't of Soc. Servs.*, 300 S.C. 24, 26-27, 386 S.E.2d 280, 281 (Ct. App. 1989) (noting that "final disposition" of a case occurs when the clerk of the court from which the party appealed files the appellate court's remittitur); Rule 220(c), SCACR ("The appellate court may affirm any ruling, order, decision or judgment upon any ground[] appearing in the Record on Appeal.").

2. As to the issue of prejudgment interest and loss of use compensation: *Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the [circuit court] to be preserved for appellate review.").

AFFIRMED.¹

HUFF, A.C.J., and SHORT and WILLIAMS, JJ., concur.

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