

RECEIVED

JUL 26 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Sean Lyons, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 Palmetto Richland Springs. )  
 )  
 Respondent. )  
 )  
 )

IN THE COURT OF COMMON PLEAS  
 CIVIL ACTION NO. 2016-CP-40-02459

ORDER

2016 JUL 13 AM 8:59  
 JEANETTE W. GORRINE  
 C.J.P. & G.S.  
 SOUTH CAROLINA  
 COURT OF APPEALS

This matter came before the Court for a hearing on June 10, 2016, by way of a Notice of Intention to Appeal and Grounds for the Appeal [S.C. Code Ann. §44-17-620] filed on April 15, 2016. Appellant appeared *pro se* and Respondent Palmetto Richland Springs was represented by Shelton W. Haile, Esq. The Court has considered the rules of court, the applicable statutory and case law, the briefs filed by the parties and the arguments of *pro se* Appellant and Respondent's attorney.

Appellant was taken to the Palmetto Health Baptist emergency department on February 16, 2016, by the police after the police responded to a call that Appellant was behaving strangely. Appellant remained in the Palmetto Health Baptist emergency department until February 18, 2016, when he was transferred to Palmetto Health Richland Springs ("Richland Springs") for mental health evaluation and treatment. Richland Springs is a mental health facility providing inpatient psychiatric services. Appellant remained hospitalized at Richland Springs until March 8, 2016, pursuant to an Order issued by the Probate Court on March 3, 2016. On March 8, 2016, Appellant was transferred to the South Carolina Department of Mental

*DCB*  
*p-1077*


Health's Bryan Psychiatric Hospital for further mental health evaluation and treatment. Appellant filed an appeal challenging the validity of the Probate Court's March 3, 2016, Order.

The Court finds that Appellant failed to timely file his appeal. Appellant was required to file the appeal within fifteen (15) days of the date the Probate Court's March 3, 2016, Order. See S.C. Code Ann. § 44-17-620. There are no exceptions to the fifteen (15) day requirement. Appellant had until March 18, 2016, to file his appeal, but failed to do so. The appeal was filed on April 15, 2016, which is forty three (43) after the Probate Court's Order was issued.

The Court also finds that the Probate Court's March 3, 2016, Order should not be disturbed. The Probate Court conducted a hearing in accordance and compliance with the applicable statutes and laws and issued its March 3, 2016, Order finding the Appellant was mentally ill and that he required inpatient and outpatient treatment at a mental health facility. "The circuit court may not disturb the probate court's findings of fact unless a review of the record discloses there is no evidence to support them." Matter of Howard, 315 S.C. 356, 361, 434 S.E.2d 254, 257 (1993) (citing Adams v. B&D, Inc., 297 S.C. 416, 377 S.E.2d 315 (1989)). The Probate Court Order should not be "disturbed on appeal unless found to be without evidentiary support." Dean v. Kilgore, 313 S.C. 257, 259, 437 S.E.2d 154, 155 (Ct. App. 1993). The Court has reviewed the Probate Court record and finds there is evidentiary support for the Probate Court's March 3, 2016, Order.

**IT IS ORDERED** that Appellant's appeal is denied and the Probate Court's March 3, 2016, Order is upheld.

**IT IS SO ORDERED.**

  
The Honorable D. Craig Brown  
Presiding Circuit Court Judge

7-6, 2016