



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

December 7, 2016

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: Blue Ridge Elec. v. Kathleen Gresham
Lower Court Case No. 2008-CP-23-05245
Appellate Case No. 2015-001836

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 along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

CLERK

cc: Larry C. Brandt, Esquire
Steven W. Hamm, Esquire
Jo Anne Wessinger Hill, Esquire
Kathleen Jennings Gresham

**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 Supreme Court**

Blue Ridge Electric Cooperative, Inc., Petitioner,

v.

Kathleen J. Gresham, Respondent.

Appellate Case No. 2015-001836

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Greenville County
R. Lawton McIntosh, Circuit Court Judge

Memorandum Opinion No. 2016-MO-032
Submitted November 15, 2016 – Filed December 7, 2016

**CERTIORARI DISMISSED AS IMPROVIDENTLY
GRANTED**

Larry C. Brandt, of Larry C. Brandt, P.A., of Walhalla;
Steven W. Hamm and Jo Anne Wessinger Hill, both of
Richardson Plowden & Robinson, P.A., of Columbia; all
for Petitioner.

Kathleen Jennings Gresham, of Landrum, Pro Se
Respondent.

PER CURIAM: We granted Blue Ridge Electric Cooperative, Inc.'s petition for a writ of certiorari to review the decision of the Court of Appeals in *Blue Ridge Elec. Coop. v. Gresham*, Op. No. 2015-UP-031 (S.C. Ct. App. filed Jan. 14, 2015). We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

**PLEICONES, C.J., BEATTY, HEARN and FEW, JJ., concur.
KITTRIDGE, J., not participating.**

**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**

Blue Ridge Electric Cooperative, Inc., Appellant,

v.

Kathleen J. Gresham, Respondent.

Appellate Case No. 2009-141246

Appeal From Greenville County
R. Lawton McIntosh, Circuit Court Judge

Unpublished Opinion No. 2015-UP-031
Submitted November 1, 2014 – Filed January 14, 2015

AFFIRMED

Larry C. Brandt, of Larry C. Brandt, PA, of Walhalla,
and Steven W. Hamm, of Richardson Plowden &
Robinson, PA, of Columbia, both for Appellant.

Kathleen J. Gresham, of Landrum, pro se.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities:

1. As to whether the record on appeal is adequate for meaningful appellate review:
Adams v. H.R. Allen, Inc., 397 S.C. 652, 656, 726 S.E.2d 9, 12 (Ct. App. 2012)

("[T]he reconstructed record must allow for meaningful appellate review."); *State v. Ladson*, 373 S.C. 320, 324-25, 644 S.E.2d 271, 273 (Ct. App. 2007) (explaining the inability to prepare a complete transcript, in and of itself, does not necessarily present a ground for reversal); *id.* at 325, 644 S.E.2d at 273 ("Before a defendant can establish that he is entitled to a new trial on the basis of an inadequate reconstructed record, he must identify a specific appellate claim that this court would be unable to review effectively using the reconstructed record." (citation and internal quotation marks omitted)); *Sweat v. Crawford*, 292 S.C. 324, 327, 356 S.E.2d 147, 149 (Ct. App. 1987) (finding omissions from the record did not prejudice appellant because the evidence included in the record sufficiently supported the findings of fact made by the referee).

2. As to whether the trial court erred by denying Appellant's new trial motion: *Brinkley v. S.C. Dep't of Corr.*, 386 S.C. 182, 185, 687 S.E.2d 54, 56 (Ct. App. 2009) ("The grant or denial of new trial motions rests within the discretion of the [trial] court . . ."); *Norton v. Norfolk S. Ry. Co.*, 350 S.C. 473, 478, 567 S.E.2d 851, 854 (2002) ("Upon review, a trial [court]'s order granting or denying a new trial will be upheld unless the order is wholly unsupported by the evidence, or the conclusion reached was controlled by an error of law." (internal quotation marks omitted)); *id.* at 478-79, 567 S.E.2d at 854 ("This [c]ourt's review is limited to consideration of whether evidence exists to support the trial court's order." (internal quotation marks omitted)); *Brinkley*, 386 S.C. at 185-86, 687 S.E.2d at 56 ("In deciding whether to assess error to a [trial] court's denial of a motion for a new trial, [this court] must consider the testimony and reasonable inferences to be drawn therefrom in the light most favorable to the nonmoving party.").

3. As to whether the trial court erred by denying Appellant's JNOV motion: *RFT Mgmt. Co. v. Tinsley & Adams L.L.P.*, 399 S.C. 322, 332, 732 S.E.2d 166, 171 (2012) ("An appellate court will reverse the trial court's ruling [on a JNOV motion] only if no evidence supports the ruling below. In deciding such motions, neither the trial court nor the appellate court has the authority to decide credibility issues or to resolve conflicts in the testimony or the evidence." (citations omitted)); *id.* at 331-32, 732 S.E.2d at 171 (explaining when reviewing a trial court's ruling on a JNOV motion, the appellate court "must apply the same standard as the trial court by viewing the evidence and all reasonable inferences in the light most favorable to the nonmoving party").

AFFIRMED.¹

WILLIAMS, GEATHERS, and McDONALD, JJ., concur.

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