

**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**

R. Jay Lagroon, Appellant,

v.

SBA Communications Corp., Respondent.

Appellate Case No. 2017-000203

Appeal From McCormick County
Donald B. Hocker, Circuit Court Judge

Unpublished Opinion No. 2018-UP-330
Submitted June 1, 2018 – Filed July 18, 2018

AFFIRMED

Robert Jay Lagroon, of McCormick, pro se.

Jeremy C. Hodges and Graham R. Billings, both of
Nelson Mullins Riley & Scarborough, LLP, of Columbia,
for Respondent.

PER CURIAM: R. Jay Lagroon appeals an order of the circuit court that affirmed a magistrate court's denial of his application for eviction against SBA Communications Corp. On appeal, Lagroon argues (1) the circuit court erred in affirming the magistrate's finding that a cashier's check issued by his bank was for funds deposited by SBA, (2) he should have received a continuance because of a

pending motion in the circuit court that arose from the same facts as the present controversy and because of emotional stress he was suffering due to a traumatic family event, and (3) the circuit court improperly overlooked the absence of certain documents in the magistrate court's record that were referenced in the magistrate's return. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

As to Issue 1: *Allendale Cty. Sheriff's Office v. Two Chess Challenge II*, 361 S.C. 581, 585, 606 S.E.2d 471, 473 (2004) ("When there is any evidence, however slight, tending to prove the issues involved, [the appellate court] may not question a magistrate court's findings of fact that were approved by a circuit court on appeal.").

As to Issue 2: *Plyer v. Burns*, 373 S.C. 637, 650, 647 S.E.2d 188, 195 (2007) ("The grant or denial of a continuance is within the sound discretion of the trial judge and is reviewable on appeal only when an abuse of discretion appears from the record.").

As to Issue 3: *Burns v. Wannamaker*, 281 S.C. 352, 357, 315 S.E.2d 179, 182 (Ct. App. 1984) (stating that when this court reviews a circuit court's decision to affirm a magistrate court's judgment, it will presume the affirmance "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").

AFFIRMED.¹

SHORT, THOMAS, and HILL, JJ., concur.

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