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SC Court of Appeals

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018-CP-02-00670

South Carolina Law Enforcement Division

Brandon Reed

PETITIONER/PLAINTIFF

RESPONDENT/DEFENDANT

Submitted by: Walton J. McLeod, IV, Presiding Judge

Attorney for : Plaintiff Defendant
or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter comes before the court upon Respondent/Defendant Brandon Reed's Motion to Reconsider in which he seeks relief from the court's Order dated November 9, 2018, pursuant to Rules 59 and 60, SCRPC.

Respondent argues that this court erred in finding that the Family Court Order dated April 26, 2017, is void. More specifically, Respondent asserts that S.C. Code Ann. § 63-3-510 is an "Exclusive Original Jurisdiction" statute, which relates to jurisdiction over the person of a child rather than subject matter jurisdiction. However, the South Carolina Supreme Court has definitively recognized that S.C. Code Ann. § 63-3-510 addresses the subject matter jurisdiction to the Family Court:

Section 20-7-400 of the South Carolina Code, in effect at the time of these proceedings, provides for the subject matter jurisdiction of the family court. *Riggs v. Riggs*, 353 S.C. 230, 236 n. 3, 578 S.E.2d 3, 6 n. 3 (2003) (noting "§ 20-

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7-420 determines the family court's subject matter jurisdiction"). In 2008, section 20-7-400 was repealed and recodified as S.C. Code Ann. § 63-3-510 by 2008 S.C. Act No. 361, but the new provision is virtually identical.

In re Shaquille O'Neal B, 385 S.C. 243, 247-48, 648 S.E.2d 549, 552 (2009).

Seeing that S.C. Code Ann. § 63-3-510 refers to subject matter jurisdiction, the court notes that the Family Court's subject matter jurisdiction in this matter terminated when Respondent attained the age of twenty-one years. S.C. Code Ann. § 63-3-510(B). As such, the court finds that it did not err in finding that the Family Court lacked subject matter jurisdiction and that the April 26, 2017 Order is void.

Respondent also argues that Respondent clearly and voluntarily waived personal jurisdiction in Family Court. The court declines to rule on whether the Family Court had personal jurisdiction in this matter because the court already deemed the April 26, 2017 Order void due to a lack of subject matter jurisdiction.

Lastly, Respondent again contends that SLED should be barred from relief based on the doctrines of res judicata and collateral estoppel. This issue was addressed in the court's Order dated November 9, 2018, and for the reasons stated forth in the aforementioned Order, the court declines to reconsider, alter, or amend its judgment as to these issues.

Based on the forgoing, this court DENIES Respondent's Motion to Reconsider.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Aiken Common Pleas

Case Caption: South Carolina Law Enforcement Division (Sled) VS Brandon Reed

Case Number: 2018CP0200670

Type: Order/Form 4

So Ordered

s/Walton J. McLeod, 2765