

existed and that Mr. Johnson was in arrears of \$4405.00 for rent. Mr. Johnson agreed with this and did not contest the eviction.

At the hearing, the parties agreed that Mr. Johnson would make his rent current and vacate the premises within 10 days. The court explained that failure to do so would result in eviction and Mr. LaRoche could obtain the Writ of Ejectment the following day. On August 18, 2020 Mr. Johnson failed to pay past due rent and instead filed an appeal.

On appeal, Appellant takes exception to the magistrate's ruling that:

1. Failure to Provide written notice that rent was late.
2. Failure to provide a safe environment.
3. Failure to repair.
4. Sickness.

CONCLUSIONS OF LAW

"In criminal cases, the appellate court sits to review errors of law only." *State v. Bacchus*, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). Thus, an appellate court is bound by the trial court's factual findings unless they are clearly erroneous. *Id.* "In criminal appeals from magistrate ... court, the circuit court does not conduct a *de novo* review, but instead reviews for preserved error raised to it by appropriate exception." *State v. Taylor*, 768 S.E.2d 71, 74, 411 S.C. 294, 299 (Ct. App. 2014).

Upon review of the record and the arguments of counsel, I find and conclude that the lower court was correct in its interpretation of the law. Specifically, this Court finds that Mr. Johnson has failed to preserve any alleged point of error on appeal. Thus, the Magistrate court ruling should be affirmed.

[Signature Page to Follow]

THEREFORE, IT IS THEREFORE ORDERED THAT:

1. the Magistrate court ruling should be affirmed

AND IT IS SO ORDERED.

Debra R. McCaslin
Presiding Judge

Lexington, South Carolina

Dated: _____



Lexington Common Pleas

Case Caption: Frank W Johnson VS Cooper Palms LLC

Case Number: 2020CP3202769

Type: Order/Other

So Ordered

Debra R. McCaslin

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