CHAPTER 8

Court of Appeals

ARTICLE I

Composition, Organization, and Employees

**SECTION 14‑8‑10.** Court of Appeals created; number of judges.

There is hereby created the Court of Appeals (the Court), which shall be a part of the unified judicial system. The Court shall consist of a Chief Judge and eight associate judges.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985; 1995 Act No. 145, Part II, Section 85B, eff June 29, 1995.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 5, Court of Appeals.

S.C. Jur. Constitutional Law Section 19, Structure of the Judicial System.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

The 1979 and 1980 Acts which were included in appropriations bills and which amended the original 1979 Act creating the Court of Appeals violated Art III Section 17 in that they were not reasonably related to the subject of making appropriations to meet government expenses and to direct the manner of expenditures of those funds. Maner v. Maner (S.C. 1982) 278 S.C. 377, 296 S.E.2d 533.

**SECTION 14‑8‑20.** Election of members of the court; terms of office.

(a) The members of the Court shall be elected by joint public vote of the General Assembly for a term of six years and until their successors are elected and qualify; provided, however, that of those judges initially elected, the Chief Judge (Seat 5) and the judge elected to Seat 6 shall be elected for terms of six years each, the judges elected to Seats 3 and 4 shall be elected for terms of four years each, and the judges elected to Seats 1 and 2 shall be elected for terms of two years each. The terms of office of the judges of the Court shall begin on July 1, 1985. Prior to such date, the General Assembly shall have authority to take such measures as necessary to secure accommodations, personnel, supplies, and equipment and such other matters as may be necessary to effect full implementation of the Court for operation by such date.

(b) Each seat on the Court shall be numbered. Candidates shall be required to file for a specific seat. Seat five shall be designated as the office of Chief Judge and shall be a separate and distinct office for the purpose of an election.

(c) In any contested election, the vote of each member of the General Assembly present and voting shall be recorded; provided, that the provisions of Chapter 19 of Title 2 shall be followed in the course of electing the members of the Court.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979; 1980 Act No. 517 Part II, Section 16C, eff June 10, 1980; 1983 Act No. 89 Section 1, eff June 2, 1983: 1983 Act No. 90 Section 1, eff July 1, 1985.

CROSS REFERENCES

Power to impeach state judges, see SC Const. Art. VI, Section 9.

Removal or retirement of judges, see SC Const. Art. V, Section 17.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 5, Court of Appeals.

LAW REVIEW AND JOURNAL COMMENTARIES

Feinman and Cohen, Suing Judges: History and Theory. 31 S.C. L. Rev. 201.

Attorney General’s Opinions

Where there is an instance of filling two vacancies in the circuit court judgeships within the same judicial circuit at the same time, each judgeship should be treated as a separate office and one wishing to be a candidate for a judgeship would declare his candidacy for a particular judgeship rather than running “at large” from the circuit. 1987, Op.Atty.Gen. No. 87‑100, p 265 (December 14, 1987) 1987 WL 245508.

NOTES OF DECISIONS

In general 1

1. In general

Where petitioner was elected by General Assembly on August 16, 1979 to fill seat on Court of Appeals which had been legislatively created approximately one month earlier, his term began on September 1, 1983, which was date court became operational. Gardner v. McDonald (S.C. 1984) 281 S.C. 455, 316 S.E.2d 374.

**SECTION 14‑8‑30.** Qualifications for office.

No person shall be eligible for the office of Chief Judge or associate judge of the Court who does not at the time of his election or appointment meet the qualifications for justices and judges as set forth in Article V of the Constitution of this State.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

CROSS REFERENCES

Constitutional rule regarding property qualification for an election to or holding of any office, see SC Const. Art. XVII, Section 1B.

Qualifications of judges, generally, see SC Const. Art. V, Section 15.

Library References

Courts 244.

Westlaw Topic No. 106.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

There is no reasonable basis upon which to classify judges of the Court of Appeals differently from all other offices created by the General Assembly, so as to justify their exclusion from the provisions of Code Section 2‑1‑100, and this section therefore violates the prohibition of Article III, Section 34(9) against special legislation. State ex rel. Riley v. Martin (S.C. 1980) 274 S.C. 106, 262 S.E.2d 404. Statutes 1646

**SECTION 14‑8‑40.** Oath of office.

The judges of the Court shall qualify within twelve months after the date of their election by taking the constitutional oath or the office shall be declared vacant by the Governor. The oath shall be administered by a justice of the Supreme Court, a judge of the Court of Appeals, or by a circuit court judge.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑50.** Salary; prohibition on holding other offices.

The Chief Judge and the associate judges shall receive such annual salary as may be provided by the General Assembly. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of honor, trust, or profit.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

CROSS REFERENCES

Constitutional provision that no person is to hold two offices of honor or profit at the same time, see SC Const. Art. XVII, Section 1A.

Constitutional provisions as to compensation of judges, see SC Const. Art. V, Section 16.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑60.** Vacancies.

All vacancies in the Court shall be filled in the manner of original election; provided, that if the unexpired term does not exceed one year such vacancy may be filled by executive appointment. When a vacancy is filled, the judge selected shall hold office only for the unexpired term of his predecessor.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

CROSS REFERENCES

Constitutional provision regarding disqualification of judges and temporary appointments, see SC Const. Art. V, Section 19.

Emergency interim successors of judges, see Section 1‑9‑70.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Constitutional Law Section 26, Vacancies, Appointments, Removals, and Suspensions.

**SECTION 14‑8‑70.** Presiding in certain cases prohibited.

In addition to the prohibitions of Section 14‑1‑130, no judge shall sit in any case in which he may be interested or in which he may have been counsel or has presided in any inferior court.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

CROSS REFERENCES

Constitutional provision regarding disqualification of judges, see SC Const. Art. V, Section 19.

Provisions relating to the disqualification of a judge by reason of relationship to parties, see Section 14‑1‑130.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑80.** Court to sit in panels or as a whole; administration by Chief Justice; assignment of members to panels; distribution of cases; quorum; concurrence required for reversals.

(a) The Court shall sit in three panels of three judges each. However, nothing in this section may be construed to prevent the Court from sitting as a whole.

(b) The Chief Judge is responsible for the administration of the Court, subject to the provisions of Article V, Section 4 of the Constitution of this State. The Chief Judge shall assign the members of the panels and shall systematically rotate and interchange the members of the panels in accordance with rules promulgated by the Supreme Court. The Chief Judge shall preside over the panel of which he is a member and in his absence the judge senior in service and present shall preside. The judge senior in service and present on the other panel shall preside over the other panel. For the five associate judges whose terms begin on July 1, 1985, the determination of their length of service shall be based on their order of election, with the associate judge who is elected first being the associate judge senior in service; provided, however, that seniority among the judges on an interim Court of Appeals shall continue on the permanent Court of Appeals established by the provisions of this chapter and service on that Court shall be included in determining the length of service on the Court herein established.

(c) Cases must be distributed between the three panels by the Chief Judge in accordance with rules promulgated by the Supreme Court; however, the Chief Judge may transfer cases from one panel to the other in order to maintain approximately equal caseloads for the three panels.

(d) On a panel, three judges shall constitute a quorum, and the concurrence of a majority of the judges is necessary for the reversal of the judgment below.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985; 1995 Act No. 145, Part II, Section 85C, eff June 29, 1995.

CROSS REFERENCES

Provisions relating to powers of the Chief Justice, rules, admission to practice law and discipline of persons admitted, see SC Const. Art. V, Section 4.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 5, Court of Appeals.

S.C. Jur. Constitutional Law Section 19, Structure of the Judicial System.

NOTES OF DECISIONS

Constitutional issues 1

Quorum 2

1. Constitutional issues

Power granted to Chief Judge of Court of Appeals to assign circuit judges to sit with that court in certain instances is a clear infringement upon the constitutional power of the Chief Justice of the Supreme Court to assign any judge to sit in any court within the unified judicial system and is therefore unconstitutional under Article V, Section 4. State ex rel. Riley v. Martin (S.C. 1980) 274 S.C. 106, 262 S.E.2d 404. Constitutional Law 2355; Courts 70

2. Quorum

A quorum of the Court of Appeals was not present at oral argument in defendant’s appeal of his conviction for first‑degree burglary, and the Court of Appeals therefore should not have conducted oral argument over defendant’s objection, where only two of the three panel members were present for oral argument, and the third panel member intended to listen to a tape recording of oral argument. State v. McMillian (S.C. 2002) 349 S.C. 17, 561 S.E.2d 602. Courts 101

**SECTION 14‑8‑90.** When the Court may sit en banc.

(a) The Court may sit en banc to hear cases upon:

(1) petition by a party filed in accordance with rules promulgated by the Supreme Court if the petition is granted by six judges of the Court; or

(2) its own motion agreed to by six judges of the Court.

(b) When the Court sits en banc, six of the judges constitute a quorum and a concurrence of six of the judges is necessary for a reversal of the judgment below. The Chief Judge shall preside, and in his absence the judge senior in service and present shall preside.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1985 Act No. 105, Section 1, approved by the Governor on May 21, 1985, and eff after July 1, 1985; 1995 Act No. 145, Part II, Section 85D, eff June 29, 1995.

Editor’s Note

1985 Act No. 105, Section 3, provides as follows:

“Notwithstanding the provisions of Act 90 of 1983 which provide for the manner in which Sections 14‑8‑90 and 14‑8‑250 of the 1976 Code shall read effective July 1, 1985, these sections, as amended by the provisions of Sections 1 and 2 of this act respectively, shall continue to read in the manner provided herein after July 1, 1985.”

CROSS REFERENCES

Legislative provision regarding salaries of Circuit Judges, see Section 14‑5‑120.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 5, Court of Appeals.

S.C. Jur. Appeal and Error Section 139, Affirmance in Full.

S.C. Jur. Appeal and Error Section 149, Form of Petition.

S.C. Jur. Constitutional Law Section 19, Structure of the Judicial System.

Treatises and Practice Aids

Drinking/Driving Litigation: Criminal and Civil 2d Section 5:9, Citizen’s Arrest.

NOTES OF DECISIONS

In general 1

1. In general

“Judgment below,” as the phrase was used by en banc panel of Court of Appeals, referred to trial court’s judgment awarding former employee $35,000 in attorney fees in action to recover unpaid sales commission, and not the judgment of the three‑judge panel of Court of Appeals, which reversed trial court’s order; and thus, en banc Court of Appeals decision to affirm attorney fee award was not a reversal of a “judgment below” so as to require six votes of en banc panel. Williamson v. Middleton (S.C. 2009) 383 S.C. 490, 681 S.E.2d 867, rehearing denied. Appeal And Error 833(5)

That endorsement letter showing that Court of Appeals granted rehearing en banc on only five rather than necessary six signatures of judges did not constitute a procedural bar to en banc review, in action to recover unpaid sales commission from former employer, where a letter from the Clerk of the Court of Appeals explained that the signature of a judge was mistakenly omitted from the endorsement letter, and that a total of six judges had in fact voted to hear the case en banc. Williamson v. Middleton (S.C. 2009) 383 S.C. 490, 681 S.E.2d 867, rehearing denied. Appeal And Error 833(5)

Because less than six judges on en banc Court of Appeals voted to reverse panel decision that private citizen may arrest without warrant for misdemeanor involving breach of peace, conviction for driving under influence, second offense, was affirmed by operation of law. (Per Goolsby, J., with three Judges concurring). State v. McAteer (S.C.App. 1998) 333 S.C. 615, 511 S.E.2d 79, rehearing denied, certiorari granted, reversed 340 S.C. 644, 532 S.E.2d 865. Criminal Law 1181.5(9)

**SECTION 14‑8‑100.** Reporting of opinions and decisions by Supreme Court reporter; appointment of assistant reporter.

The Supreme Court reporter shall report the opinions and decisions of the Court of Appeals in all respects as he is now or hereafter may be required by law to report the decisions and opinions of the Supreme Court. An assistant reporter for the Court of Appeals may be appointed by the judges of such Court to aid the reporter in his duties.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Editor’s Note

Provisions of this section concerning the reporting of opinions were formerly contained in Section 14‑8‑130.

CROSS REFERENCES

Reporter of Supreme Court, see SC Const. Art. V, Section 6.

Statutory provision regarding the Supreme Court reporter, see Section 14‑3‑120.

Library References

Courts 244.

Westlaw Topic No. 106.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

This section does not infringe upon the authority of the Supreme Court to define the duties of the court reporter, and therefore does not violate Article V, Section 6 of the Constitution. State ex rel. Riley v. Martin (S.C. 1980) 274 S.C. 106, 262 S.E.2d 404. Constitutional Law 2350; Courts 57(1)

**SECTION 14‑8‑110.** Duties of Clerk of Supreme Court; appointment of clerk of Court of Appeals to aid clerk of Supreme Court.

The Clerk of the Supreme Court, in a manner prescribed by the Supreme Court, shall be responsible for the custody and keeping of the record of the Court. A clerk of the Court of Appeals shall be appointed by the judges of the Court to aid the Clerk of the Supreme Court in the performance of these duties.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Editor’s Note

Provisions of this section concerning the appointment of the Clerk of the Court were formerly contained in Section 14‑8‑140.

Library References

Clerks of Courts 64.

Westlaw Topic No. 79.

C.J.S. Courts Sections 337 to 340, 343.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 6, Clerks of Courts.

**SECTION 14‑8‑120.** Editing, publishing, and distributing of opinions and decisions.

Editing, publishing, and distributing of the opinions and decisions of the Court shall be done in accordance with the procedures followed by the Supreme Court with respect to the editing, publishing, and distributing of its opinions and decisions.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act 90 Section 2, eff July 1, 1985.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 117, Ruling on the Motion.

**SECTION 14‑8‑130.** Sheriff to serve and execute order or process.

The Court of Appeals may require the sheriff of each county to whom any order or process issuing from such court may be directed to serve and execute such order or process and shall have the same power to enforce such service and execution and punish default thereon as is vested in circuit courts on processes issuing therefrom.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Editor’s Note

Provisions concerning the reporting of opinions formerly contained in Section 14‑8‑130, see Section 14‑8‑100.

CROSS REFERENCES

General provision making it sheriff’s duty to serve and execute orders and processes, see Section 23‑15‑40.

Library References

Sheriffs and Constables 98.

Westlaw Topic No. 353.

C.J.S. Sheriffs and Constables Sections 300 to 307.

ARTICLE III

Jurisdiction, Duties and Procedure

**SECTION 14‑8‑200.** Jurisdiction of Court; limitations.

(a) Except as limited by subsection (b) and Section 14‑8‑260, the court has jurisdiction over any case in which an appeal is taken from an order, judgment, or decree of the circuit court, family court, a final decision of an agency, a final decision of an administrative law judge, or the final decision of the Workers’ Compensation Commission. This jurisdiction is appellate only, and the court shall apply the same scope of review that the Supreme Court would apply in a similar case. The court has the same authority to issue writs of supersedeas, grant stays, and grant petitions for bail as the Supreme Court would have in a similar case. The court, to the extent the Supreme Court may by rule provide for it to do so, has jurisdiction to entertain petitions for writs of certiorari in post‑conviction relief matters pursuant to Section 17‑27‑100.

(b) Jurisdiction of the court does not extend to appeals of the following, the appeal from which lies of right directly to the Supreme Court:

(1) a final judgment from the circuit court which includes a sentence of death;

(2) a final decision of the Public Service Commission setting public utility rates pursuant to Title 58;

(3) a final judgment involving a challenge on state or federal grounds, to the constitutionality of a state law or county or municipal ordinance where the principal issue is one of the constitutionality of the law or ordinance; however, in a case where the Supreme Court finds that the constitutional question raised is not a significant one, the Supreme Court may transfer the case to the court for final judgment;

(4) a final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the State, its agencies, political subdivisions, public service districts, counties, and municipalities, or any other indebtedness authorized by Article X of the Constitution of this State;

(5) a final judgment from the circuit court pertaining to elections and election procedure;

(6) an order limiting an investigation by a state grand jury pursuant to Section 14‑7‑1630; and

(7) an order of the family court relating to an abortion by a minor pursuant to Section 44‑41‑33.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985; 1999 Act No. 55, Section 14, eff June 1, 1999; 2006 Act No. 387, Section 15, eff July 1, 2006; 2007 Act No. 111, Pt I, Section 2, eff July 1, 2007, applicable to injuries that occur on or after that date.

Editor’s Note

2006 Act No. 387, Section 53, provides as follows:

“This act is intended to provide a uniform procedure for contested cases and appeals from administrative agencies and to the extent that a provision of this act conflicts with an existing statute or regulation, the provisions of this act are controlling.”

2006 Act No. 387, Section 57, provides as follows:

“This act takes effect on July 1, 2006, and applies to any actions pending on or after the effective date of the act. No pending or vested right, civil action, special proceeding, or appeal of a final administrative decision exists under the former law as of the effective date of this act, except for appeals of Department of Health and Environmental Control Ocean and Coastal Resource Management and Environmental Quality Control permits that are before the Administrative Law Court on the effective date of this act and petitions for judicial review that are pending before the circuit court. For those actions only, the department shall hear appeals from the administrative law judges and the circuit court shall hear pending petitions for judicial review in accordance with the former law. Thereafter, any appeal of those actions shall proceed as provided in this act for review. For all other actions pending on the effective date of this act, the action proceeds as provided in this act for review.”

CROSS REFERENCES

Provisions relating to appeal, see Section 14‑8‑260.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 9, Exclusive Appellate Jurisdiction of the Supreme Court.

S.C. Jur. Appeal and Error Section 10, Concurrent Jurisdiction of the Court of Appeals.

S.C. Jur. Appeal and Error Section 53, General Rule.

S.C. Jur. Appeal and Error Section 122, Issues of Law.

S.C. Jur. Appeal and Error Section 131, by Court in Cases at Law.

S.C. Jur. Constitutional Law Section 19, Structure of the Judicial System.

S.C. Jur. Forfeitures Section 10, Due Process Considerations.

S.C. Jur. Post‑Conviction Relief Section 3, Relationship to Federal and State Habeas Corpus.

LAW REVIEW AND JOURNAL COMMENTARIES

Berger, The Scope of Judicial Review: A Continuing Dialogue, 31 S.C. L. Rev. 171.

NOTES OF DECISIONS

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Constitutional issues 2

Criminal cases 4

Equity actions 5

Family court 6

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Workers’ compensation 7

1. In general

Court of Appeals may correct errors of law in both legal and equitable actions. North American Rescue Products, Inc. v. Richardson (S.C.App. 2011) 396 S.C. 124, 720 S.E.2d 53, rehearing denied, opinion affirmed in part, vacated in part 2014 WL 2535542, withdrawn and superseded 411 S.C. 371, 769 S.E.2d 237. Appeal And Error 845(1); Appeal And Error 847(3)

The Court of Appeals may correct errors of law in both legal and equity actions. South Carolina Dept. of Transp. v. M & T Enterprises of Mt. Pleasant, LLC (S.C.App. 2008) 379 S.C. 645, 667 S.E.2d 7. Appeal And Error 846(1); Appeal And Error 847(1)

In a case raising a novel question of law, the appellate court is free to decide the question with no particular deference to the lower court. Madison ex rel. Bryant v. Babcock Center, Inc. (S.C. 2006) 371 S.C. 123, 638 S.E.2d 650, rehearing denied. Appeal And Error 842(1)

The Court of Appeals may reverse where the decision is affected by an error of law. Olmstead v. Shakespeare (S.C.App. 2002) 348 S.C. 436, 559 S.E.2d 370, rehearing denied, certiorari granted, affirmed as modified 354 S.C. 421, 581 S.E.2d 483. Appeal And Error 846(1)

In an appeal presenting novel issues of law, Court of Appeals is free to decide issues presented with no particular deference to the trial court’s findings. Johnson v. Arbabi (S.C.App. 2001) 347 S.C. 132, 553 S.E.2d 453. Appeal And Error 842(1)

Court of Appeals has the power and the authority to rule upon disagreements over the meaning of Rules of Appellate Procedure, including those arising under the automatic stay rule. State v. Cooper (S.C. 2000) 342 S.C. 389, 536 S.E.2d 870, rehearing denied. Courts 244

When an appeal involves stipulated or undisputed facts, an appellate court is free to review whether the trial court properly applied the law to those facts; the appellate court owes no particular deference to the trial court’s legal conclusions. J.K. Const., Inc. v. Western Carolina Regional Sewer Authority (S.C. 1999) 336 S.C. 162, 519 S.E.2d 561. Appeal And Error 841

A proceeding before the Board of Adjustment was a review pursuant to the express provisions previously enunciated in conjunction with a permit issued to a shelter for battered women, and not a proceeding for a variance from the terms of an ordinance thereafter enacted, where neighbors of the shelter sought review of the earlier previously issued permit; thus, the Court of Appeals erred by applying the more rigorous standard for granting a variance. Brock v. Board of Adjustment and Appeals of City of Rock Hill (S.C. 1992) 308 S.C. 539, 419 S.E.2d 773. Zoning And Planning 1625

The Court of Appeals correctly applied the “any evidence” standard of review in a declaratory judgment action to construe an employee’s employment contract, since the action was one at law; a suit for declaratory judgment is neither legal nor equitable, but is determined by the nature of the underlying issue, and an issue essentially one at law will not be transformed into one in equity simply because declaratory relief is sought. Felts v. Richland County (S.C. 1991) 303 S.C. 354, 400 S.E.2d 781.

The issue of a continuance was not properly before the Court of Appeals where the trial judge granted the plaintiff’s alternatively requested relief of a non‑suit, the trial judge did not address the issue of a motion for continuance and therefore the Court of Appeals could not determine whether he abused his discretion in failing to grant one, and there was no indication that the plaintiff made a motion under Rule 59(e), SCRCP to alter or amend his order to consider a motion for a continuance. Register v. Duke (S.C.App. 1990) 302 S.C. 195, 394 S.E.2d 718. Appeal And Error 684(2)

The Court of Appeals will not issue advisory opinions on questions for which no meaningful relief can be granted. Matter of Angela Suzanne C. (S.C.App. 1985) 286 S.C. 186, 332 S.E.2d 542. Constitutional Law 2600

The Court of Appeals does not sit as a trial court to receive evidence on disputed issues of fact since its function is to review the judgment of the circuit court for reversible error based on the issues and evidence presented to that court; accordingly, in an action brought by a farm supply business to foreclose a mortgage on farm property, the master and the circuit court were correct, given the evidence before them, in finding that the mortgage was a first mortgage at the time it was executed. Sanders v. Salley (S.C.App. 1984) 283 S.C. 458, 322 S.E.2d 829. Appeal And Error 169; Appeal And Error 891

2. Constitutional issues

An owner’s right to due process in the civil forfeiture of a video gaming machine is satisfied when he is given a post‑seizure hearing before a magistrate to determine legality of the machine, with the right to appeal that ruling to circuit and appellate courts. Mims Amusement Co. v. South Carolina Law Enforcement Div. (S.C. 2005) 366 S.C. 141, 621 S.E.2d 344. Constitutional Law 4078

3. Jurisdiction

Court of Appeals retained jurisdiction over juvenile’s case and acted within its authority when it granted juvenile’s petition for bond pending appeal, where state had filed petition for rehearing, three days later juvenile filed petition for appeal bond pending outcome of state’s appeal from Court of Appeals’ decision, Court of Appeals denied state’s petition for rehearing and granted juvenile’s petition for appeal bond on the same day, Court of Appeals had not returned remittitur when it granted juvenile’s petition for appeal bond, and Supreme Court had not yet granted certiorari over the case. In re Michael H. (S.C. 2004) 360 S.C. 540, 602 S.E.2d 729, rehearing denied, certiorari denied 125 S.Ct. 1644, 544 U.S. 943, 161 L.Ed.2d 511. Infants 2526

Issues relating to subject matter jurisdiction may be raised at any time and should be taken notice of by the Court of Appeals on Court’s own motion. Ness v. Eckerd Corp. (S.C.App. 2002) 350 S.C. 399, 566 S.E.2d 193. Appeal And Error 23; Appeal And Error 185(1)

In actions to foreclose a real estate mortgage and for cancellation of a mortgage satisfaction on the basis of mistake, the Court of Appeals has jurisdiction to determine the facts in accordance with its own view of the preponderance of the evidence. Allendale County Bank v. Cadle (S.C.App. 2001) 348 S.C. 367, 559 S.E.2d 342, rehearing denied, certiorari granted, certiorari dismissed as improvidently granted 356 S.C. 412, 589 S.E.2d 752. Mortgages And Deeds Of Trust 2213

The Court of Appeals had jurisdiction to construe an order in which a trial judge construed his own previously issued order where the terms of a marital litigation decree seemed ambiguous but the same trial judge presided over the entire litigation; however, the determinative factor in construing an ambiguous order is the intent of the judge who wrote it, and thus due deference should be given to the opinion of the trial judge who had the advantage of knowing his own intent. Eddins v. Eddins (S.C.App. 1991) 304 S.C. 133, 403 S.E.2d 164, certiorari denied.

In an action at law on appeal of a case tried before a jury, jurisdiction of the Court of Appeals extends merely to correction of errors of law, and the factual finding of the jury will not be disturbed unless review of the record discloses no evidence which reasonably supports the jury’s findings. Benchoff v. Morgan (S.C.App. 1990) 302 S.C. 116, 394 S.E.2d 19. Appeal And Error 989; Appeal And Error 1001(1)

While the Court of Appeals has jurisdiction in equity matters to find facts based on its own view of the preponderance of the evidence, the Court of Appeals is not required to disregard the findings of the trial judge who saw and heard the witnesses and who was in a better position to evaluate the testimony. Bochette v. Bochette (S.C.App. 1989) 300 S.C. 109, 386 S.E.2d 475. Appeal And Error 1009(1)

4. Criminal cases

The Court of Appeals sits in criminal cases to review errors of law only. State v. Sumpter (S.C.App. 1985) 286 S.C. 150, 332 S.E.2d 774, certiorari granted in part 287 S.C. 258, 335 S.E.2d 808, reversed in part 288 S.C. 574, 344 S.E.2d 148. Criminal Law 1134.24

5. Equity actions

In an action in equity, a reviewing court is not bound by the trial court’s legal conclusions. BB & T of South Carolina v. Kidwell (S.C.App. 2002) 350 S.C. 382, 565 S.E.2d 316. Appeal And Error 842(2)

In an equity action where the special referee and circuit judge are in disagreement regarding a finding of fact, the Court of Appeals is free to find the facts in accordance with its own view of the preponderance of the evidence. However, a referee who observes a witness is in the best position to judge the witness’ veracity, and the referee should, therefore, be given broad discretion. Harmon v. Bank of Danville (S.C.App. 1985) 287 S.C. 449, 339 S.E.2d 150. Appeal And Error 1022(4)

The duty of the Court of Appeals to review challenged findings of fact in equity cases does not require it to ignore the fact that the trial judge, who saw and heard the witnesses, was in a better position to evaluate the credibility of those witnesses. Barr v. Barr (S.C.App. 1985) 287 S.C. 13, 336 S.E.2d 481.

In an appeal of an equitable action tried before a master authorized to enter final judgment, the Court of Appeals must review the entire record and make its own findings of fact according to its view of the preponderance of the evidence, but this requirement does not command the Court of Appeals to ignore the findings of the trial judge who heard the witnesses, and decisions relative to the veracity and credibility of witnesses can best be made by the trial judge. Thomas v. Mitchell (S.C.App. 1985) 287 S.C. 35, 336 S.E.2d 154. Appeal And Error 1017; Appeal And Error 1022(1)

6. Family court

Although a trial judge in a divorce action failed to make findings regarding the factors to be considered in equitably dividing the marital property, the finding of the trial judge would be affirmed where the property agreement was fair and equitable under the Court of Appeal’s view of the preponderance of the evidence. Perry v. Perry (S.C.App. 1990) 301 S.C. 147, 390 S.E.2d 480. Divorce 1314

7. Workers’ compensation

The Court of Appeals’ review of findings of fact made by a commissioner of the South Carolina Industrial Commission and concurred in by the circuit court is limited to determining whether the findings are supported by substantial evidence. Floyd v. City of Charleston (S.C.App. 1986) 287 S.C. 474, 339 S.E.2d 166. Workers’ Compensation 1969

An appeal from a circuit court order remanding a workers’ compensation case for the purpose of making specific findings of fact is interlocutory and not reviewable by the Court of Appeals, even where neither party raises any issue as to the appealability of the order. Davis v. La‑Z‑Boy Chair Co. (S.C.App. 1985) 287 S.C. 121, 337 S.E.2d 238. Workers’ Compensation 1956

8. Review

In answering a certified question raising a novel question of law, the Supreme Court is free to decide the question based on its assessment of which answer and reasoning would best comport with the law and public policies of the state and the Court’s sense of law, justice, and right. Croft v. Old Republic Ins. Co. (S.C. 2005) 365 S.C. 402, 618 S.E.2d 909. Appeal And Error 861

The Supreme Court is free to decide questions of law with no particular deference to the lower court. Moriarty v. Garden Sanctuary Church of God (S.C. 2000) 341 S.C. 320, 534 S.E.2d 672. Appeal And Error 842(1)

Supreme Court was free to decide, with no particular deference to the lower court, the novel question of law of whether punitive damages awarded in a negligence action should be reduced by the proportion of the plaintiff’s negligence, under comparative negligence. Clark v. Cantrell (S.C. 2000) 339 S.C. 369, 529 S.E.2d 528. Appeal And Error 842(11)

**SECTION 14‑8‑210.** Review by Supreme Court.

(a) The decisions of a panel of the court and of the court sitting en banc shall be final and not subject to further appeal, except by petition for review or by other exercise of discretionary review by the Supreme Court.

(b) In any case pending before the court of appeals, the Supreme Court may in its discretion, on motion of any party to the case, on request by the court of appeals, or on its own motion, certify the case for review by the Supreme Court before it has been determined by the court of appeals. Certification is appropriate where the case involves an issue of significant public interest or a legal principle of major importance, or in other cases the court considers appropriate. The effect of the certification shall be to transfer jurisdiction over the case to the Supreme Court for all purposes.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985; 1999 Act No. 55, Section 15, eff June 1, 1999.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 10, Concurrent Jurisdiction of the Court of Appeals.

S.C. Jur. Appeal and Error Section 163, What Types of Cases Can be Certified.

S.C. Jur. Constitutional Law Section 19, Structure of the Judicial System.

S.C. Jur. Post‑Conviction Relief Section 3, Relationship to Federal and State Habeas Corpus.

NOTES OF DECISIONS

In general 1

1. In general

Decision by intermediate appellate court in South Carolina is law of South Carolina, unless that decision is subsequently reversed or overruled. In re Kingsmore (Bkrtcy.D.S.C. 2002) 295 B.R. 812. Courts 91(2)

**SECTION 14‑8‑220.** Power of Court and judges to administer oaths and writs; appeal.

The Court and each of the judges thereof shall have the same power at chambers or in open court to administer oaths, and to issue such remedial writs as are necessary to give effect to its jurisdiction. An appeal shall be allowed from decision of any one judge to a panel of the Court.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Injunctions Section 6, Appellate Courts.

**SECTION 14‑8‑230.** Rules governing administration.

The Supreme Court shall promulgate rules governing the administration of the Court.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑240.** Records.

The Court shall be a court of record, and the records thereof shall at all times be subject to public inspection.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985.

Library References

Courts 244.

Westlaw Topic No. 106.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

To extent that statute providing that records of Court of Appeals “shall be kept in a manner prescribed by the judges” thereof may purport to vest in judges of Court of Appeals absolute authority to prescribe manner in which records shall be kept, statute is violative of constitutional article providing that “the Supreme Court shall make rules governing the administration of all the courts of the State.” State ex rel. Riley v. Martin (S.C. 1980) 274 S.C. 106, 262 S.E.2d 404. Constitutional Law 2355; Courts 113

**SECTION 14‑8‑250.** Points necessary to decision of appeal and fairly arising upon record, with reason for Court’s decision, to be preserved in writing.

In every decision rendered by the Court, every point distinctly stated in the case which is necessary to the decision of the appeal and fairly arising upon the record of the Court must be stated in writing and must, with the reason for the Court’s decision, be preserved in the record of the case; provided, that the Court need not address a point which is manifestly without merit.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1985 Act No. 105, Section 2 approved by the Governor on May 21, 1985, and eff after July 1, 1985.

Editor’s Note

1985 Act No. 105, Section 3, provides as follows:

Notwithstanding the provisions of Act 90 of 1983 which provide for the manner in which Sections 14‑8‑90 and 14‑8‑250 of the 1976 Code shall read effective July 1, 1985, these sections, as amended by the provisions of Sections 1 and 2 of this act respectively, shall continue to read in the manner provided herein after July 1, 1985.”

Library References

Courts 244.

Westlaw Topic No. 106.

NOTES OF DECISIONS

In general 1

1. In general

The Supreme Court of South Carolina can issue an opinion without giving a reason for each issue whenever any of the conditions of the second part of Section 18‑9‑280 are met; however, the Court of Appeals may only do so when an issue is manifestly without merit. In re Memorandum Decisions by Court of Appeals (S.C. 1993) 322 S.C. 53, 471 S.E.2d 456. Appeal And Error 1182

The format normally used by the South Carolina Supreme Court in memorandum decisions is sufficient to meet the requirement of giving a reason for deciding each issue raised in the appeal; therefore, the court of Appeals may use a similar format and still comply with the requirement of Section 14‑8‑250. In re Memorandum Decisions by Court of Appeals (S.C. 1993) 322 S.C. 53, 471 S.E.2d 456.

Court of Appeals will not address a point on appeal which is manifestly without merit and, so, where at the trial of the divorce action the father agreed to pay the children’s transportation expenses, the court, on appeal, would affirm the lower court’s order requiring the father to bear those expenses. Voelker v. Hillock (S.C.App. 1986) 288 S.C. 622, 344 S.E.2d 177.

Issue was disposed of as being without merit where the Court of Appeals review of the record found that the evidence supported the jury’s verdict. Lyons v. Butler (S.C.App. 1986) 288 S.C. 498, 343 S.E.2d 630, 71 A.L.R.4th 883.

Party’s contention that the Circuit Court had erred in requiring it to return to the other party funds received as a result of a default judgment was without merit, and required no further discussion, where the default judgment had been vacated. Lowe’s of Georgia, Inc. v. Costantino (S.C.App. 1986) 288 S.C. 106, 341 S.E.2d 382.

**SECTION 14‑8‑260.** Notice of intent to appeal; determination of cases assigned to Court of Appeals.

In all cases within the jurisdiction of the court as provided in this chapter, the notice of appeal must be filed with the court of appeals in the manner provided by the South Carolina Appellate Court Rules. In the event the court of appeals determines that a notice of appeal involves a matter over which it lacks jurisdiction pursuant to Section 14‑8‑200(b), it shall issue an order transferring the case to the Supreme Court. In the event the Supreme Court determines that a notice of appeal should have been filed with the court of appeals, it shall issue an order transferring the case to the court of appeals.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90 Section 2, eff July 1, 1985; 1999 Act No. 55, Section 16, eff June 1, 1999.

CROSS REFERENCES

Provisions relating to jurisdiction of the Court, see Section 14‑8‑200.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 5, Court of Appeals.

S.C. Jur. Constitutional Law Section 19, Structure of the Judicial System.

NOTES OF DECISIONS

In general 1

1. In general

The Court of Appeal’s standard of review of family court issues is not restricted by Section 14‑3‑320 to a consideration of whether there is “substantial evidence” to support the family court’s finding. A divorce proceeding is a proceeding in equity, and the Supreme Court may decide fact issues based upon a preponderance of the evidence in equity cases; the standard applies to the Court of Appeals since it derives its jurisdiction by transfer from the Supreme Court pursuant to Section 14‑8‑260. To the extent that Section 14‑3‑320 is repugnant to Article V section 5 of the South Carolina Constitution, the statute is void. Rutherford v. Rutherford (S.C.App. 1990) 303 S.C. 424, 401 S.E.2d 177, reversed 307 S.C. 199, 414 S.E.2d 157.

On the transfer of a case from the Supreme Court to the Court of Appeals, the Court of Appeals may take only such action as the Supreme Court might have taken. Accordingly, where the Supreme Court had denied a party’s petition for permission to argue for the abolition of the doctrine of contributory negligence, that argument could not be made in the Court of Appeals following transfer. Langley v. Boyter (S.C. 1985) 286 S.C. 85, 332 S.E.2d 100.

Court of Appeals could not hear appeal of special referee’s order which was transferred to the Court of Appeals by the Supreme Court, although parties had agreed that special referee’s judgment would be directly appealable to the Supreme Court; rather, appeal was to the circuit court which had appointed the referee. Luck v. Pencar, Ltd. (S.C.App. 1984) 282 S.C. 643, 320 S.E.2d 711. Courts 244

**SECTION 14‑8‑270.** Appeal from interlocutory orders involving injunctions.

In case of an appeal from an interlocutory order or decree in the Court of General Sessions, granting, continuing, modifying, or refusing an injunction, the proceedings in other respects in the court below shall not be stayed during the pendency of such appeal unless otherwise ordered by the court below.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Injunctions Section 6, Appellate Courts.

**SECTION 14‑8‑280.** Certification of issues of fact to lower courts; appointment of referees.

Whenever in the course of any action or proceeding in the Court arising in the exercise of the original jurisdiction conferred by law upon the court, an issue of fact shall arise upon the pleadings or when an issue of fact shall arise upon a traverse to return in mandamus, prohibition or certiorari, or whenever the determination of any question of fact shall be necessary to the exercise of the jurisdiction conferred upon the Court of Appeals, the court may frame an issue therein and certify such issue to the circuit court for the county in which the cause originated or in case of original jurisdiction to the circuit court of the county in which the cause of action has arisen. The Court shall also have the same powers as are now possessed by the circuit courts of the State for the appointment of referees to take testimony and report thereon, under such instructions as may be prescribed by the court, in any cases arising in the Court where issues of fact shall arise.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑290.** Powers of judge at chambers.

Each of the judges of the Court shall have the same power at chambers to administer oaths, issue writs of habeas corpus, mandamus, quo warranto, certiorari and prohibition and interlocutory writs or orders of injunction as when in open court. An appeal shall be allowed from the decision of any such judge of the Court.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979.

CROSS REFERENCES

Constitutional provision regarding powers of judges in chambers, see SC Const. Art. V, Section 20.

Library References

Courts 244.

Westlaw Topic No. 106.

ARTICLE V

Terms, Order and Place of Hearings

**SECTION 14‑8‑400.** Terms of Court; order of docketing.

Subject to the supervision of the Chief Justice of the Supreme Court, the Chief Judge shall set the terms of court of the Court of Appeals, and the Supreme Court shall by rule prescribe and provide the order in which cases shall be docketed and heard.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90, Section 2, eff July 1, 1985.

Library References

Courts 244.

Westlaw Topic No. 106.

NOTES OF DECISIONS

Constitutional issues 1

1. Constitutional issues

Statute vesting Court of Appeals with power to set additional terms of that court infringes upon constitutional authority of chief justice of Supreme Court, as administrative head of unified judicial system, to set terms of any court within the unified system and, therefore violates state Constitution. State ex rel. Riley v. Martin (S.C. 1980) 274 S.C. 106, 262 S.E.2d 404. Constitutional Law 2355; Courts 64(4)

**SECTION 14‑8‑410.** Where Court may sit.

The Court shall sit and maintain its principal offices in the City of Columbia; however, any hearing panel of the Court may hold court in any county in South Carolina for the purpose of hearing oral arguments and motions pending in cases before such court.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1983 Act No. 89 Section 1, eff June 2, 1983; 1983 Act No. 90, Section 2, eff July 1, 1985.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑420.** Cases not heard in period allotted.

If the case on the calendar and set for hearing cannot be heard in the period allotted, the Court shall continue it to be heard after the regular call of the cases for that session or continue them until the next stated term.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑430.** Supreme Court to promulgate rules.

Pursuant to the provisions of Sections 14‑3‑940 and 14‑3‑950, the Supreme Court may establish and promulgate such rules as may be necessary to carry into effect the provisions of this article and to facilitate the work of the Court of Appeals.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979.

Library References

Courts 244.

Westlaw Topic No. 106.

**SECTION 14‑8‑450.** Court not limited to places designated by law for holding court.

The Court may be held in other buildings than those designated by law as places for holding courts and at a different place, at the same city, from that at which it is appointed to be held. Any one or more of the judges may adjourn the court with the like affect as if all were present.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979.

Library References

Courts 244.

Westlaw Topic No. 106.

ARTICLE VII

Reports

**SECTION 14‑8‑500.** Publication and distribution of opinions and decisions.

Editing, publishing and distribution of the opinions and decisions of the Court shall be done in accordance with the procedures followed by the Supreme Court with respect to the editing, publishing and distribution of its opinions and decisions.

HISTORY: 1979 Act No. 164 Part IV‑A Section 1, eff July 1, 1979; 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979.

CROSS REFERENCES

Provisions governing printing and distribution of state publications, generally, see Section 11‑25‑10 et seq.

Publication and distribution of the reports of the Supreme Court, see Sections 14‑3‑810 through 14‑3‑840.

Library References

Courts 244.

Westlaw Topic No. 106.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Appeal and Error Section 117, Ruling on the Motion.

**SECTION 14‑8‑550.** Court of Appeals to be part of unified judicial system.

The Court herein established shall be a part of the unified judicial system and the provisions of this chapter shall be construed in a manner consistent therewith.

HISTORY: 1979 Act No. 194 Part III Section 5, apparently effective Aug. 8, 1979.

Library References

Courts 244.

Westlaw Topic No. 106.