

**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**

In the Matter of the Care and Treatment of Michael
Hargrove, Appellant.

Appellate Case No. 2012-213697

Appeal From Charleston County
Deadra L. Jefferson, Circuit Court Judge

Unpublished Opinion No. 2014-UP-067
Submitted December 1, 2013 – Filed February 19, 2014

AFFIRMED

Rad Stuart Deaton, of Deaton Law Firm, LLC, of North
Charleston, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Deborah R.J. Shupe,
both of Columbia, for Respondent.

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

1. As to whether the circuit court erred by not holding a hearing on the State's motion to deny Hargrove's petition for release: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) (stating the circuit court must rule on an issue

for it to be preserved for appellate review); *State v. Policao*, 402 S.C. 547, 556, 741 S.E.2d 774, 778 (Ct. App. 2013) (stating an appellate court will not review arguments raised for the first time on appeal); *In re Care & Treatment of Corley*, 365 S.C. 252, 258, 616 S.E.2d 441, 444 (Ct. App. 2005) (holding the appellant did not preserve his due process argument raised on appeal because he never presented the argument to the circuit court).

2. As to whether the circuit court denied Hargrove his statutory right to an annual hearing: *Foster v. Foster*, 393 S.C. 95, 99, 711 S.E.2d 878, 880 (2011) ("In order to preserve an issue for appellate review, a party must both raise that issue to the [circuit] court and obtain a ruling."); *Dunbar*, 356 S.C. at 142, 587 S.E.2d at 693-94 (stating the circuit court must rule on an issue in order for it to be preserved for appellate review); *Foster*, 393 S.C. at 99, 711 S.E.2d at 880 (holding the court of appeals correctly declined to address the appellants' issue, raised for the first time on appeal, because the circuit court's order was "silent on the issue"); *Laser Supply & Servs., Inc. v. Orchard Park Assocs.*, 382 S.C. 326, 336 n.5, 676 S.E.2d 139, 145 n.5 (Ct. App. 2009) (stating a contention not directly addressed in a court order and not raised in a motion for reconsideration is not preserved for review).

3. As to whether the circuit court erred by finding Hargrove previously filed a petition for release without the approval of the director of the Department of Mental Health: *Foster*, 393 S.C. at 99, 711 S.E.2d at 880 ("In order to preserve an issue for appellate review, a party must both raise that issue to the [circuit] court and obtain a ruling."); *Policao*, 402 S.C. at 556, 741 S.E.2d at 778 (stating an appellate court will not review arguments raised for the first time on appeal).

AFFIRMED.¹

FEW, C.J., and WILLIAMS and KONDUROS, JJ., concur.

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