

**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**

Charles C. Eller, Respondent,

v.

Stephanie A. Ball, Appellant.

Appellate Case No. 2017-001095

Appeal From Spartanburg County
Phillip K. Sinclair, Family Court Judge

Unpublished Opinion No. 2019-UP-054
Submitted January 1, 2019 – Filed February 6, 2019

AFFIRMED

Donald Loren Smith, of Attorney Office of Donald
Smith, of Anderson, for Appellant.

Charles C. Eller, of Spartanburg, pro se.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: S.C. Code Ann. § 20-4-10 to -160 (2014 & Supp. 2018) (setting forth the Protection from Domestic Abuse Act); § 20-4-20(f) ("Order of protection' means an order of protection issued to protect the petitioner . . . from the abuse of another household member whe[n] the respondent has received notice of the proceedings and has had an opportunity to be heard."); § 20-4-20(a)(1) (defining

abuse to include "the threat of physical harm"); § 20-4-20(b)(ii) (defining "[h]ousehold member" to include a former spouse); *Simmons v. Simmons*, 392 S.C. 412, 414, 709 S.E.2d 666, 667 (2011) ("In appeals from the family court, this [c]ourt reviews factual and legal issues de novo."); *Wooten v. Wooten*, 364 S.C. 532, 540, 615 S.E.2d 98, 102 (2005) ("[T]he appellate court [is not] required to ignore the fact that the family court, who saw and heard the witnesses, was in a better position to evaluate their credibility and assign comparative weight to their testimony."); *Ashburn v. Rogers*, 420 S.C. 411, 416, 803 S.E.2d 469, 471 (Ct. App. 2017) ("Consistent with this de novo review, the appellant retains the burden to show that the family court's findings are not supported by a preponderance of the evidence; otherwise, the findings will be affirmed.").

AFFIRMED.¹

KONDUROS, MCDONALD, and HILL, JJ., concur.

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