

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

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**Appeal From Georgetown County  
Court of Common Pleas**

Benjamin H. Culbertson, Presiding Circuit Court Judge

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Case No. 2011 – CP – 22 -1296

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RECEIVED

JUN 06 2013

Willie Singleton, ..... **SC Court of Appeals** Appellant

v.

State of South Carolina. .... Respondent,

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**INITIAL BRIEF OF APPELLANTS**

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*si Willie Singleton*

Willie Singleton, Pro Se  
501 North Congdon Street  
Georgetown, SC 29440  
843 359-6363

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**STATEMENT OF ISSUES ON APPEAL**

- 1 **DID THE TRIAL COURT ERR GIVING THE PLAINTIFF A CONTINUANCE UNTIL THE STATE LLR COMPLETED THEIR INVESTAGATION OF JANET GRANT AND HELD THE TRIAL WEEKS BEFORE THE COMPLETION OF THE INVESTAGATION.**
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7. **DID THE TRIAL COURT ERR BY NOT APPLING THE STANDERDS OF HAINES v. KERNER. ....18**

**STATEMENT OF THE CASE**

The Appellant applied for a received a building permit from the City of Georgetown to change the roof style of his home, and started that process. On December 15, 2006 an

In April 1995 Attorney Robert O'Donnell draw up a contract of sale between Alex Alford Sr.

and Willie Singleton to purchase tax lot 05-22-26 and tax lot 05-22-27 for the sum of forty thousand dollars but never filed the contract with the court.

In 1996 Alex Alford died, and attorney O'Donnell probated Mr. Alford's estate and prepared all the deeds of distribution.

In Dec 2002 Mr. Frank Swinnie bought lot 05-22-27 on tax sale because the taxes were not paid.

In Nov, 2005 the terms of the contract of sale were met and all money was in full Mr. Singleton was entitled to ownership of lots 05-22-26 and 05-22-27.

In Dec 2005 attorney O'Donnell created a deed by creating a false legal description of the property that did not meet the subdivision regulations, or the zoning ordinance, without the uses of a survey and somehow had it recorded with a new lot number 5-22-26-01 which was about one fourth {1/4} of lot 05-22-26 and transferred that to Willie Singleton and the remainder of the lot was transferred to Mr. Alford's wife Mrs. Cleothia Alford.

In 2010 the City of Georgetown code enforcement officer Mrs. Janet Grant started sending Mr. Singleton notices to demolish the home located on lot number 05-22-26. Even though the State of South Carolina LLR, Building Code Council had issued a cease and desist order to Mrs. Janet Grant for engaging in the practices of building code enforcement when she was not licensed to do so. There are several state laws and the international building codes that regulate the demolition of building and an employee requesting a citizen to demolish a building is engaging in the practices of building code enforcement. {keep in mind that attorney O'Donnell transferred lot number 5-22-26-01 to the Appellant and the house is on lot number 5-22-26 not 5-22-26-01 }

At some point in 2010 the City of Georgetown code enforcement officer Mrs. Janet Grant issued a citation for not demolishing the house or cleaning the lot. The citation was \$ 1,092.50 which was far in excess of what she could charge based on State Law and the City of

Georgetown Code of Ordinances which set the maxim limit to \$500.00.

The Appellant requested a jury trial.

On July 13, 2011 Judge O'Donnell found the appellant guilty and ordered him to pay the \$1,092.50 fine.

A timely appeal was filed with the circuit court. The Appellant filed a written Notice of Motion and Motion Appealing a Decision of Municipal Court. The case was heard on April 12, 2012 the motion was heard by Judge Benjamin H. Culbertson. By order of the court Judge O'Donnell decision was affirmed.

A timely Rule 59(e) motion was filed and Judge Benjamin H. Culbertson denied the motion, this appeal followed.

## FACTS

In 1995 attorney Robert O'Donnell was the family attorney for Mr. Alex Alford, Sr. of Georgetown. At that time Mr. Alford agreed to sell the Appellant a commercial building and two homes, which sat on property located at the corner of Merriman Road and Emmanuel Street in the City of Georgetown. The property consisted of tax parcels 5-22-26 and 5-22-27. The property and buildings was sold under a contract of sale. Attorney Robert O'Donnell prepared the legal documents relating to the contract of sale and the contract was executed by attorney Robert O'Donnell in 1995.

Mr. Alex Alford, Sr. died in 1996 and attorney O'Donnell probated the will of Mr. Alford and also prepared all of the deeds of distribution for the property in Mr. Alford estate. At that time attorney O'Donnell took tax parcel 5-22-27 and transferred that tax parcel of land to Mr. Alex Alford Jr. Then attorney O'Donnell took tax parcel 5-22-26 and held it in trust by placing it in the names of Mr. Alex Alford Jr. and Mrs. Cleo Alford. The terms of the contract of sale was satisfied around November 2005 and shortly after that attorney O'Donnell made two {2}

deeds of that parcel. One third {1/3} of the property was transferred to Mr. Willie Singleton to satisfy the contract of sale. The other {2/3} of the property was transferred to Mrs. Cleo Alford.

When attorney O'Donnell created the two {2} substandard lots, from the one {1} lot that complied the City of Georgetown Zoning Ordinance, the attorney O'Donnell committed an illegal act because the City of Georgetown subdivision regulations does not allow the creation of substandard, non-buildable lots in the City of Georgetown. The subdivision regulation require that to create a lot the property must be surveyed and then the survey must be approved by the planning commission and City of Georgetown Building department and then that approved survey must be recorded along with the deed in the Recorder of Means Convince office as well as the tax assessor's office. Attorney O'Donnell, who just happened to be the City of Georgetown City Judge, did not go through that process, and the newly created lot did not meet the minimum standards of the City of Georgetown subdivision regulations or the City of Georgetown Zoning Ordinance.

Attorney O'Donnell did not satisfy the terms of the contract of sale, and Attorney O'Donnell only transferred one six {1/6} of the property that was bought from Alex Alford Sr. by Willie Singleton, Attorney O'Donnell transferred about 1/3 of tax map lot number 5-22-26.

Attorney O'Donnell never recorded the Contract of sale with the court Attorney O'Donnell never transferred the property according to the contract of sale and Attorney O'Donnell took the time to subdivide one of the property and transferred only part of that property to the Appellant.

The property taxes on lot 5-22-27 were not paid and the property was sold at the delinquent tax sale and was never redeemed by the Alford family. A year and a day after the delinquent tax sale, a new tax deed was issued to the new owner of tax property lot 5-22-27. Through no fault of the Appellant and through the direct and deliberate illegal actions of Robert O'Donnell half of the property was forever lost to the Appellant.

After being victimized by attorney Robert O'Donnell, it was now time for Judge Robert O'Donnell to have his turn. There is a house on the property that the Appellant did not own. In late 2010 and early 2011 the Appellant started receiving letters from the City of Georgetown Code Enforcement Officer Mrs. Janet Grant, telling him that he needed to tear down the house located on the property that he did not own. When the Appellant did not go onto property that he did not own, and tear down a house that he did not own, Mrs. Grant issued him a ticket for \$1,092.500

The case went to court before Judge Robert O'Donnell, now for just a second overlook the fact that the Appellant do not own the property and look at the facts of the case and you will see that based upon the facts, this action was still not a proper action before the court.

The Appellant was charged with violation the City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-26. Public nuisances.

There are several issues based on several area of the City of Georgetown Code of Ordinances.

#### Issue I

The first issue is based on the maxim fine charged by Mrs. Grant. The fine far exceeded the fine permitted by the City of Georgetown Code of Ordinances If you read City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2,

*Sec. 11-33. Notification procedures. (1) It is unlawful to maintain an unsanitary, unsafe, or unsightly condition upon the premises, and the potential penalties for the violation of local laws; including possible imposition of a fine of five hundred dollars (\$500.00) per day of continued violation;*

That set's the maxim fine for a violation of this section of the Code of Ordinances, Chapter 11 at \$500.00 and when read in conjunction with City of Georgetown Code of Ordinances, Sec. 15-5 it give the maximum fine that the court may impose.

City of Georgetown Code of Ordinances, Section 15-5

*Sec. 15-5. Maximum penalties that court may impose.*

*Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine or imprisonment, or both, not to exceed the limits set in section 1-16 of this Code.*

The last section that would apply is found in the City of Georgetown Code of Ordinances, Section 1-16

City of Georgetown Code of Ordinances, Section 1-16

*Sec. 1-16. General penalty.*

*(a) Code or ordinance violation; abatement. Whenever in this Code or in any ordinance or resolution of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violator of any such provision of this Code or any such ordinance or resolution shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day any violation of any provision of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense, except as otherwise may be provided. In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or of any such ordinance or resolution shall be deemed a public nuisance and may be abated by the city as provided by law.*

Judge Robert O'Donnell by education or training either knew or should have known that the fines given were far in excess of the \$500.00 maxim allowed by the City of Georgetown Code of Ordinances. I know that in Judge Robert O'Donnell defense the South Carolina Court of

Appeals will most likely say that the State of South Carolina Code of Law allows a higher fine, so let's look at state law. Code of Laws, South Carolina, 1976, the chapter under municipal courts, § 14-25-65 reveals:

SECTION 14-25-65. Maximum penalties that court may impose; restitution; contempt.

*If a municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars or imprisonment for thirty days, or both. In addition, a municipal judge may order restitution in an amount not to exceed the civil jurisdictional amount of magistrates court provided in Section 22-3-10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.*

According to State Law, the court can only impose a fine not more than five hundred {\$500.00} the only thing that comes close to the fins impose by Ms. Grant and allowed by Judge Robert O'Donnell comes from another section of State Law. Code of Laws, South Carolina, 1976, the chapter under municipal courts, § 14-1-208 reveals:

SECTION 14-1-208. Additional assessment, municipal court; remittance; disposition; annual audits.

*(A) A person who is convicted of, or pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in municipal court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the municipal clerk of court and deposited with the city treasurer for remittance to the State Treasurer. The assessment is based upon that portion of the fine that is not suspended, and assessments must not be waived, reduced, or suspended....*

The City of Georgetown limits their fines to \$500.00 and the Code of Laws, South Carolina limits the fines that the City of Georgetown can charge to \$500.00. Now the Code of Laws, South Carolina allows the Court to assess 107.5 percent of the fine as an assessment to the state. Nowhere in that does it allow Mrs. Grant to charge more than \$500.00 as the fine. Even if anyone thinks that can happen, Take \$500.00 and add 107.5 percent; that would be a total of \$1,035.50 Mrs. Grant fines are even in excess of that. Mrs. Grant has charged one hundred seventeen percent {117%} more than the maxim allowed by law and have been doing that for over four {4} years. The ticket is defective on its face. Judge Robert O'Donnell by education or training either knew or should have known that. That's got to be a violation of something, and if you don't know where to start look in the cannons.

## Issue II

This is based on City of Georgetown Code of Ordinances, Section 11-26. Public nuisances. The enabling legislation is based on Section 5-7-80 of the Code of Laws, South Carolina, 1976,

South Carolina Code of Laws (1976, as amended) § 5-7-80. Ordinances relating to upkeep of property within municipality.

*(1) Any municipality is authorized to provide by ordinance that the owner of any lot or property in the municipality shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance.*

*(2) The municipality may provide by ordinance for notification to the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, may provide the terms and conditions under which employees of the municipality or any person employed for that purpose may go upon the property to correct the conditions and may provide that the cost of such shall*

*become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.*

*HISTORY: 1962 Code Section 47-37; 1975 (59) 692.*

What is interesting about State Law is the fact that it does not mention anything about houses, trees, shrubbery or things like that. If State law does not mention anything about houses, trees, shrubbery or things like that, how can the code enforcement officer use this section of the City of Georgetown Code of Ordinances to order the demolition of any house within the City of Georgetown? Judge Robert O'Donnell by education or training either knew or should have known that. That's got to be a violation of something, and if you don't know where to start look in the cannons.

In 2009 the City of Georgetown tore down a home at 1929 Front Street. Then the City went on and pled guilty to violating State Law in the demolition of the home. As a result of that case the City of Georgetown was required by the State to adopt the proper laws as it relates to demolition of homes in the City of Georgetown. If you look in the City of Georgetown Code of Ordinances, Chapter 5, you will find such a new section. For the past few years Mrs. Grant has been ordering the demolition of home, outside the scope of her official duty and outside of the law.

City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-26.  
Public nuisances.

Sec. 11-26. Public nuisances.

*In accordance with Section 5-7-80 of the Code of Laws, South Carolina, 1976, conditions on private property constituting a danger to human life, safety, or health are hereby declared to be public nuisances and hazards to public health. These shall include, but not be limited to, the following:*

*(1) Unsanitary conditions created by the improper disposal of waste, human or otherwise;*

- (2) The accumulation of water from any cause, which may promote the breeding of mosquito larvae;*
  - (3) Any building or part of any building which, on account of its condition, its occupancy or use, may endanger life or health;*
  - (4) The discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that may endanger human life or health;*
  - (5) The handling or storage of any material that may endanger life or health;*
  - (6) Any business, industry or individual which causes dust, vapors, gases or any by-product that may be detrimental to life or health or that are obnoxious or objectionable to the esthetic senses;*
  - (7) Any property, whether occupied or vacant, upon which grass, weeds or undergrowth exceeding eighteen (18) inches in height, trash, garbage, offal, stagnant water, building materials, glass, wood, metal or other matter deleterious to good health and public sanitation is permitted or caused to accumulate in any manner which is or may become a nuisance causing injuries or sickness to the public or neighboring property;*
  - (8) Any property which, because of its condition, may promote the breeding or harborage of flies, rats, snakes, vermin or other insects and animals.*
- (Ord. of 12-15-94)*

Now there has been illegal tickets issued and money paid to the court based on those illegal tickets, those fines are illegal. If you have a Georgetown court taking in illegally charged money, who do you see about that; Judge Robert O'Donnell? The court is engaged in illegal activity and Judge Robert O'Donnell is the head of the Georgetown court. Judge Robert O'Donnell by education or training either knew or should have known the proper amount of money to charge for a ticket. That's got to be a violation of something, and if you don't know where to start look for that violation, don't look in the cannons, look in the law because that is just a good old fashion crime.

Issue III

According to the deed prepared by Judge Robert O'Donnell, the Appellant does not own the property. However Judge Robert O'Donnell found the Appellant guilty anyway. The Appellant talked with Judge O'Donnell and Judge O'Donnell told the Appellant to file an appeal. The Appellant did and Judge Ben Culbertson from Georgetown upheld Judge O'Donnell conviction even though the papers filed with the court in connecting with the case clearly stated that the Appellant did not own the property.

The Appellant filed a 59(e) and Judge Culbertson would not hear it.

This action is a result.

## ARGUMENTS

**1 DID THE TRIAL COURT ERR GIVING THE PLAINTIFF A CONTINUANCE UNTIL THE STATE LLR COMPLETED THEIR INVESTAGATION OF JANET GRANT AND HELD THE TRIAL WEEKS BEFORE THE COMPLETION OF THE INVESTAGATION.**

There was three trial scheduled for this case prior to the April 4, 2011 trial. The original trial was in October 2011, the State got a continuance, there was a trial Scheduled in January 2011 and again the State got another continuance, on the third date, The trial court gave the Plaintiff a continuance at the trial date on April 4, 2011 On the grounds that the South Carolina LLR was investigating Janet Grant . The Plaintiff informed the judge that Mrs. Grant was being investigated by the State LLR because she was given a cease and desist order by the state LLR that restricted Mrs. Grant from conducting herself as a building official and there fore she was not allowed to write a ticket ordering the plaintiff house to be demolish. The trial court held the trial on July 11, 2011 before the completion of the LLR investigation, therefore The trial court did not honor the continuance that was granted April 4, 2011 to the Plaintiff. The hearing by the South Carolina LLR was held in August of 2011

**2 DID THE COURT ERR IN TRIEING THE PLAINTIFF ON A TICKET THAT FALLS UNDER THE POISON TREE STATUE**

Accord to State law only a Building Official can order a house demolish the Plaintiff stated this fact at the appeal. The attorney for the State said ' that the ticket only dealt with the grass and did not order the house to be

demolish read: transcript page 9 “*the fine had everything to do with his overgrown shrubbery and trees, not the demolition of the house.*”

and also read the ticket issued to the Plaintiff by Mrs. Grant

**3 AT THE TRIAL THE STATE WITNESS JANICE GRANT STATED THAT THE PLAINTIFF OWNED THE PROPERTY SENCE THE PLAINTIFF DOES NOT OWN THE PROPERTY DID THE TRIAL JUDGE COMMIT REVERSIBLE ERR BY TRYING THE PLAINTIFF FOR PROPERTY THAT THE PLAINTIFF DID NOT OWN**

In the trial court before Judge O'Donnell. The city witness Mrs.

Janet Grant testified that the plaintiff owned the property. On page one of the trial transcript. That question open the door to ownership of the property. Read; State v. Asbury. The Plaintiff was not the owner. “In an action at law, on appeal of a case tried without a jury, our scope of review extends merely to the correction of errors of law; factual findings of the trial judge will not be disturbed on appeal unless a review of the record discloses that there is no evidence which reasonably supports the judge’s findings.” Crary v. Djebelli, 329 S.C. 385, 388, 496 S.E.2d 21, 23 (1998).

Look at the Transcript of Record in the lower court before Judge Benjamin H.

Culbertson and if you don't get anything else from the transcript, simply go to page 4 and read line 9 you will find these words;

*- I have proof also that I don't own the property.*

At the lower court trial Mrs. Grant never showed any documents that Mr. Singleton owned the property. The plaintiff Mr. Singleton does not own the property.

**4. SENCE THE JUDGE WAS THE ATTORNEY WHO PRERARED THE DEEDS FOR THE OWNER OF THE PROPERTY, HE KNEW ARE SHOULD HAVE KNOWN THE TRUE OWNERS. DID THE COURT COMMIT REVERSIBLE ERROR TRYING THE PLAINTIFF AS THE OWNER?**

Judge Attorney Robert O'Donnell. In April 1995 Attorney Robert O'Donnell draw

up a contract of sale between Alex Alford Sr. and Willie Singleton to purchase tax lot 05-22-26 and tax lot 05-22-27 for the sum of forty thousand dollars but never filed the contract with the court. In 1996 Alex Alford died, and attorney O'Donnell probated Mr. Alford's estate and prepared all the deeds of distribution. In Dec 2002 Mr. Frank Swinnie bought lot 05-22-27 on tax sale because the taxes were not paid. In Nov, 2005 the terms of the contract of sale were met and all money was in full Mr. Singleton was entitled to ownership of lots 05-22-26 and 05-22-27. In Dec 2005 attorney O'Donnell created a deed by creating a false legal description of the property that did not meet the subdivision regulations, or the zoning ordinance, without the uses of a survey and somehow had it recorded with a new lot number 5-22-26-01 which was about one fourth { 1/4 } of lot 05-22-26 and transferred that to Willie Singleton and the remainder of the lot was transferred to Mr. Alford's wife Mrs. Cleothia Alford.

**5. DID THE TRIAL COURT ERR BY ASSESSING A FINE IN EXCESS OF STATE LAW.**

The Appellant was charged with violation the City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-26. Public nuisances. The fine far exceeded the fine permitted by the City of Georgetown Code of Ordinances If you read City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2,

*Sec. 11-33. Notification procedures. (1) It is unlawful to maintain an unsanitary, unsafe, or unsightly condition upon the premises, and the potential penalties for the violation of local laws; including possible imposition of a fine of five hundred dollars (\$500.00) per day of continued violation;*

That set's the maxim fine for a violation of this section of the Code of Ordinances, Chapter 11 at \$500.00 and when read in conjunction with City of Georgetown Code of Ordinances, Sec. 15-5 it give the maximum fine that the court may impose.

City of Georgetown Code of Ordinances, Section 15-5

*Sec. 15-5. Maximum penalties that court may impose.*

*Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine or imprisonment, or both, not to exceed the limits set in section 1-16 of this Code.*

The last section that would apply is found in the City of Georgetown Code of Ordinances, Section 1-16

City of Georgetown Code of Ordinances, Section 1-16

*Sec. 1-16. General penalty.*

*(a) Code or ordinance violation; abatement. Whenever in this Code or in any ordinance or resolution of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violator of any such provision of this Code or any such ordinance or resolution shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day any violation of any provision of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense, except as otherwise may be provided. In addition to the penalty hereinabove provided, any condition caused or permitted to exist in*

*violation of any of the provisions of this Code or of any such ordinance or resolution shall be deemed a public nuisance and may be abated by the city as provided by law.*

Judge Robert O'Donnell by education or training either knew or should have known that the fines given were far in excess of the \$500.00 maxim allowed by the City of Georgetown Code of Ordinances. I know that in Judge Robert O'Donnell defense the South Carolina Court of Appeals will most likely say that the State of South Carolina Code of Law allows a higher fine, so let's look at state law. Code of Laws, South Carolina, 1976, the chapter under municipal courts, § 14-25-65 reveals:

SECTION 14-25-65. Maximum penalties that court may impose; restitution; contempt.

*If a municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars or imprisonment for thirty days, or both. In addition, a municipal judge may order restitution in an amount not to exceed the civil jurisdictional amount of magistrates court provided in Section 22-3-10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.*

According to State Law, the court can only impose a fine not more than five hundred {\$500.00} the only thing that comes close to the fins impose by Ms. Grant and allowed by Judge Robert O'Donnell comes from another section of State Law. Code of Laws, South Carolina, 1976, the chapter under municipal courts, § 14-1-208 reveals:

SECTION 14-1-208. Additional assessment, municipal court; remittance; disposition; annual audits.

*(A) A person who is convicted of, or pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in municipal court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the municipal clerk of court and deposited with the city treasurer for remittance to the State Treasurer. The assessment is based upon that portion of the fine that is not suspended, and assessments must not be waived, reduced, or suspended....*

The City of Georgetown limits their fines to \$500.00 and the Code of Laws, South Carolina limits the fines that the City of Georgetown can charge to \$500.00. Now the Code of Laws, South Carolina allows the Court to assess 107.5 percent of the fine as an assessment to the state. Nowhere in that does it allow Mrs. Grant to charge more than \$500.00 as the fine. Even if anyone thinks that can happen, Take \$500.00 and add 107.5 percent; that would be a total of \$1,035.50 Mrs. Grant fines are even in excess of that. Mrs. Grant has charged one hundred seventeen percent { 117% } more than the maxim allowed by law and have been doing that for over four { 4 } years. The ticket is defective on its face. Judge Robert O'Donnell by education or training either knew or should have known that.

**6. DID THE TRIAL JUDGE COMMIT REVERSIBLE ERR BY ASSERTING PUBLIC NUIANCES.**

The City singled out one lot and wanted that lot cleaned, and there were two { 2 } lots that adjoined the property that were not sent notices asking them to clean their lots, was that selective enforcement on a single property owner using a public nuisances ordinance that truly did not apply to the lot in question. Nuisances ordinance's usually apply to lots when you want the property owners to cut the grass on an otherwise well maintained lot. This lot had not been cleaned in over twenty { 20 } years, this was a naturalized wooded lot.

There is a simple question. Is there intent to never have any wooded lots any were in a City or County? The enabling legislation is based on Section 5-7-80 of the Code of Laws, South Carolina, 1976, so what was the legislate intent?

*"All rules of statutory construction are subservient to the one that the legislative intent must prevail if it can be reasonably discovered in the language used, and that language must be construed in the light of the intended purpose of the statute." **State v. Sweat**, 386 S.C. 339, 350, 688 S.E.2d 569, 575 (2010). "When a statute is penal in nature, it must be strictly construed against the State and in favor of the defendant." **Town of Mt. Pleasant v. Roberts**, 393 S.C. 332, 342, 713 S.E.2d 278, 283 (2011). The court should look to the plain language of the statute. **Binney v. State**, 384 S.C. 539, 544, 683 S.E.2d 478, 480 (2009). If the language of a statute is unambiguous and conveys a clear and definite meaning, then the rules of statutory interpretation are not needed and the court has no right to impose a different meaning. **State v. Gaines**, 380 S.C. 23, 33, 667 S.E.2d 728, 733 (2008). In interpreting a statute, the court will give words their plain and ordinary meaning, and will not resort to forced construction that would limit or expand the statute. **Harris v. Anderson Cnty. Sheriff's Office**, 381 S.C. 357, 362, 673 S.E.2d 423, 425 (2009).*

*However, if a statute is ambiguous, courts must construe the terms of the statute. **Roberts**, 393 S.C. at 342, 713 S.E.2d at 283. "A statute as a whole must receive practical, reasonable, and fair interpretation consonant with the purpose, design, and policy of lawmakers." **Sloan v. S.C. Bd. of Physical Therapy Exam'rs**, 370 S.C. 452, 468, 636 S.E.2d 598, 606-07 (2006). The language of the statute must be read in such a way that harmonizes its subject matter and accords with the statute's general purpose. **Roberts**, 393 S.C. at 342, 713 S.E.2d at 283. "Any ambiguity in a statute should be resolved in favor of a just, equitable, and beneficial operation of the law." *Id.* However,*

*courts will reject a statutory interpretation that would lead to an absurd result not intended by the legislature or that would defeat plain legislative intention.*

The bases of the City of Georgetown Code of Ordinances, Section 11-26. Public nuisances. The enabling legislation is based on Section 5-7-80 of the Code of Laws, South Carolina, 1976,

South Carolina Code of Laws (1976, as amended) § 5-7-80. Ordinances relating to upkeep of property within municipality.

*(1) Any municipality is authorized to provide by ordinance that the owner of any lot or property in the municipality shall keep such lot or property clean and free of rubbish, debris and other unhealthy and unsightly material or conditions which constitute a public nuisance.*

*(2) The municipality may provide by ordinance for notification to the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, may provide the terms and conditions under which employees of the municipality or any person employed for that purpose may go upon the property to correct the conditions and may provide that the cost of such shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.*

*HISTORY: 1962 Code Section 47-37; 1975 (59) 692.*

What is interesting about State Law is the fact that it does not mention anything about houses, trees, shrubbery or things like that. If State law does not mention anything about houses, trees, shrubbery or things like that, how can the code enforcement officer use this section of the City of Georgetown Code of Ordinances to order the demolition of any house within the City of Georgetown? Judge Robert O'Donnell by education or training either knew or should have known that.

In 2009 the City of Georgetown tore down a home at 1929 Front Street. Then the City went on and pled guilty to violating State Law in the demolition of the home. As a result of that case the City of Georgetown was required by the State to adopt the proper laws as it relates to demolition of homes in the City of Georgetown. If you look in the City of Georgetown Code of Ordinances, Chapter 5, you will find such a new section. For the past few years Mrs. Grant has been ordering the demolition of home, outside the scope of her official duty and outside of the law.

City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-26. Public nuisances.

Sec. 11-26. Public nuisances.

*In accordance with Section 5-7-80 of the Code of Laws, South Carolina, 1976, conditions on private property constituting a danger to human life, safety, or health are hereby declared to be public nuisances and hazards to public health. These shall include, but not be limited to, the following:*

- (1) Unsanitary conditions created by the improper disposal of waste, human or otherwise;*
- (2) The accumulation of water from any cause, which may promote the breeding of mosquito larvae;*
- (3) Any building or part of any building which, on account of its condition, its occupancy or use, may endanger life or health;*
- (4) The discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that may endanger human life or health;*
- (5) The handling or storage of any material that may endanger life or health;*
- (6) Any business, industry or individual which causes dust, vapors, gases or any by-product that may be detrimental to life or health or that are obnoxious or objectionable to the esthetic senses;*
- (7) Any property, whether occupied or vacant, upon which grass, weeds or undergrowth exceeding eighteen (18) inches in height, trash, garbage, offal,*

*stagnant water, building materials, glass, wood, metal or other matter deleterious to good health and public sanitation is permitted or caused to accumulate in any manner which is or may become a nuisance causing injuries or sickness to the public or neighboring property;*

*(8) Any property which, because of its condition, may promote the breeding or harborage of flies, rats, snakes, vermin or other insects and animals.*

*(Ord. of 12-15-94)*

This is a naturalized lot that does not fall under the requirements of the code of ordinance or state law.

**7. DID THE TRIAL COURT ERR BY NOT APPLYING THE STANDARDS OF HAINES v. KERNER.**

Supreme Court has instructed the district courts to construe pro se complaints liberally and to apply a more flexible standard in determining the sufficiency of a pro se complaint than they would in reviewing a pleading submitted by counsel. See e.g., **Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652** (1972) (per curiam); **Hughes v. Rowe, 449 U.S. 5, 9-10, 101 S.Ct. 173, 175-76, 66 L.Ed.2d 163** (1980) (per curiam); see also **Elliott v. Bronson, 872 F.2d 20, 21** (2d Cir.1989) (per curiam). In order to justify the dismissal of a pro se complaint, it must be " 'beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.' " **Haines v. Kerner, 404 U.S. at 521, 92 S.Ct. at 594** (quoting **Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct. 99, 102, 2 L.Ed.2d 80** (1957)).

I am a pro se Defendant and as a pro se Defendant I may not fully present arguments that are "sufficiently specific to bring into focus the precise nature of the alleged error so that it [could] be reasonably understood by the trial judge." **McKissick v. J.F. Cleckley & Co., 325 S.C. 327, 344, 479 S.E.2d 67, 75** (Ct. App. 1996). I would like for the court to take that into consideration when reading this motion and also

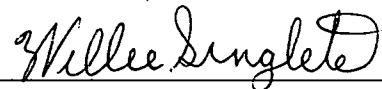
understand that the Supreme Court has already ruled that "A party need not use the exact name of a legal doctrine in order to preserve it, but it must be clear that the argument has been presented on that ground." State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 694 (2003); see also State v. Russell, 345 S.C. 128, 132, 546 S.E.2d 202, 204 (Ct. App. 2001) (explaining that even though exact words are not used to argue an issue, if it is clear from the argument presented in the record that the motion was made on a particular ground, the argument will be considered raised to the trial court and will be preserved for review).

### CONCLUSION

For the reasons stated, it is respectfully submitted that the issues are ripe for review and asking the Court to address them, or in the alternative that the order of the lower court be reversed and that the ticket be dismissed based on the authority of the poison tree.

Respectfully submitted,

June 1, 2013



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Phone: 843 359- 6363

**PROOF OF SERVICE OF INITIAL BRIEF OF APPEAL (amended)**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

\_\_\_\_\_  
**Appeal From Georgetown County  
Court of Common Pleas**

Benjamin H. Culbertson, Presiding Circuit Court Judge

\_\_\_\_\_  
Case No. 2011 – CP – 22 -1296  
\_\_\_\_\_

**RECEIVED**  
JUN 06 2013  
SC Court of Appeals

Willie Singleton,

Appellant.

v.

City of Georgetown Code Enforcement Officer Janet Grant, et. al.

Respondent,

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I certify that I have served the Initial Brief of Appeal (amended) on City of Georgetown Code Enforcement Officer Janet Grant, et. al. by hand delivering a copy of it on May 7, 2013, addressed to their attorney of record, Robert Maring, 1130 Highmarket Street, Georgetown, SC 29440

June 3, 2013

s/ Willie Singleton

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