

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

Johnathan Daniels,

Appellant

vs.

City of Cayce,

Respondent.

IN THE COURT OF COMMON PLEAS  
ELEVENTH JUDICIAL CIRCUIT

Civil Action No.: 2023-CP-32-02817

**ORDER DISMISSING APPEAL**

**RECEIVED**

**Feb 07 2024**

**S.C. SUPREME COURT**

This matter is before the Court on Respondent City of Cayce's Motion to Dismiss the appeal of Appellant from the City of Cayce Municipal Court. Respondent's Motion was made pursuant to Rule 12(b)(1) and (6), SCRCPP, which are applicable to this action by reason of Rule 74, SCRCPP, and on the general grounds of lack of jurisdiction over the subject matter and failure to state facts sufficient to state a cause of action for appeal.

A hearing was held on November 28, 2023. Present on behalf of Respondent City of Cayce was Danny Calvert Crowe, Esq. and Appellant Johnathan Daniels appeared *pro se*. After hearing the arguments and motions made by both parties, for the reasons below, this court dismisses the appeal for lack of jurisdiction.

This action is not properly an appeal "from the sentence or judgment of the municipal court," as required by S.C. Code § 14-25-95 ("Appeals to Court of Common Pleas; procedures and time limits."). Rather, this is an appeal from the denial of Appellant's pre-trial motion to "quash" and Appellant's pre-trial motion to dismiss and from the grant of a pre-trial motion in limine for the City. Appellant's Notice of Criminal appeal describes this action as an "interlocutory appeal."

Further, this action is untimely and violates the time limit for appeal as provided by S.C. Code § 14-25-95 (“Appeals to Court of Common Pleas; procedures and time limits.”). It appears on the face of Appellant’s appeal pleading that Appellant’s action challenging the 2021 and 2022 Municipal Court rulings on the motions was dismissed by the Court of Appeals with remittitur to the Municipal Court on March 10, 2023, and was not commenced in this Court until July 27, 2023. Appellant’s proof of service of his appeal pleading for this action indicates service on the Municipal Court on July 28, 2023, more than 21 months after the 2021 motion rulings, more than nine (9) months after the 2022 motion rulings, and more than four (4) months after the remittitur. S.C. Code § 14-25-95 (“Appeals to Court of Common Pleas; procedures and time limits.”) provides for service of the notice of intention to appeal on the municipal court “within ten days after sentence is passed or judgment is rendered, or the appeal is waived.” Compliance by Appellant with § 14-25-95 is a subject matter jurisdictional requirement for the circuit court as the reviewing court on a first-level appeal from municipal court.

This Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded. Therefore, there is no basis for granting relief at this stage of the case. For the above stated reasons, this Court lacks subject matter jurisdiction over this appeal. This appeal is therefore DISMISSED.

IT IS SO ORDERED.

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Debra R. McCaslin  
Circuit Court Judge

December \_\_\_\_, 2023  
Lexington, SC



Lexington Common Pleas

**Case Caption:** Johnathan Daniels VS City of Cayce

**Case Number:** 2023CP3202817

**Type:** Order/Dismissal

So Ordered

Debra R. McCaslin