

STATE OF SOUTH CAROLINA )  
COUNTY OF CALHOUN )

STATE OF SOUTH CAROLINA )  
Respondent-Appellee )

VS. )

SHANEEKA STROMAN )  
Appellant-Defendant )

IN RE:

Calhoun County Magistrate Court, Emily  
Fischer Bunker, Carol Fischer,  
State of South Carolina, Et.Al. Respondents<sup>1</sup>  
v. Shaneeka Stroman, Appellant

IN THE ST. MATTHEWS MAGISTRATE  
COURT FOR CALHOUN COUNTY  
Mag.Ct.Case No. 2024A0910100025, -26  
Common Pleas Appeal No. 2024-CP-09-00151

Ct. of Appeals No.: \_\_\_\_\_

MAGISTRATE COURT RETURN

**RECEIVED**

AUG 15 2024

SC Court of Appeals

ON APPEAL TO THE S.C. COURT OF APPEALS  
AND THE  
CALHOUN COUNTY CIRCUIT COURT OF COMMON PLEAS

The St. Matthews magistrate court submits this Return on Defendant Shaneeka Stroman’s *pro se* appeal.

On August 1, 2024, Appellant Stroman filed a Notice of Appeal in the South Carolina Court of Appeals.

The undersigned magistrate court respectfully submits this Return, as required, and that the defendant’s appeal be dismissed without prejudice because: (1) No final judgment has yet been imposed because there has been no trial or conviction in this case so that defendant’s appeal is interlocutory; and (2) If the appellate Court were to accept defendant’s interlocutory appeal, then the appeal from this magistrate court would be to the Calhoun County Court of Common Pleas and not directly to the S.C. Court of Appeals.

Defendant’s case is pending with jury selection scheduled for September 13, 2024. Thus, this appeal is premature and untimely until final judgment is rendered in this case. *See State v. Rearick*, 417 S.C. 391, 790 S.E.2d 192 (2016)(defendant cannot have interlocutory appeal from lower court pre-trial orders). It appears that Appellant is attempting to file an interlocutory appeal on this magistrate court’s Order dated July 26, 2024, in which this court denied Defendant’s Motion to Dismiss the charges pending against her. *See Mag.Ct.Order (7/26/24)* at p. 2.

<sup>1</sup> Appellant incorrectly used this caption in her Notice of Appeal. The actual case name is: “State v. Stroman.”

## BRIEF PROCEDURAL BACKGROUND.

On February 8, 2024, defendant was charged with Trespass against real property and Harassment-2<sup>nd</sup> degree. On February 8, 2024, defendant appeared in Bond Court and released on a P.R. Bond. On February 23, 2024, defendant applied for and was approved for court appointed counsel, attorney Thomas Sims. On February 29, 2024, this court continued defendant's case from the March 2024 jury trial docket due to her pending *pro se* appeal in the S.C. Court of Appeals in a related Calhoun Common Pleas civil case: Stroman v. Fischer et. al.; Court of Appeals Case No. 2024-000195.

On July 10, 2024, defendant filed a *pro se* Motion to Dismiss the charges. On July 25, 2024, this court held a hearing with defendant and her court-appointed attorney Thomas Sims. This court denied her Motion then issued a written Order dated July 26, 2024. This court set her jury trial selection date for September 13, 2024.

On August 1, 2024, Appellant filed a Notice of Appeal in the S.C. Court of Appeals. On August 5, 2024, Appellant filed the same Notice of Appeal in the Calhoun County Court of Common Pleas [Case No. 2024-CP-09-00151]. On August 9, 2024, Appellant filed a copy of the above-stated appeal with this magistrate court.

On August 5, 2024, defendant filed a *pro se* Motion in this court asking to represent herself in the trial of this case. On August 9, 2024, this court held a hearing and granted defendant's Motion for self-representation and issued a written Order finding defendant knowingly, intelligently, and voluntarily waived her right to counsel.

## APPLICABLE APPEAL RULES AND STATUTES FOR A MAGISTRATE COURT RETURN.

The Summary Court Judges Benchbook states as follows:

Any person convicted of any offense by a magistrate may appeal the sentence to the Court of Common Pleas for that county. (§18-3-10). The appellant shall file the notice of appeal with the clerk of the circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the case within ten days *after sentencing* and state the grounds for his appeal (§18-3-30).

Criminal Procedures, Section 14(a), Appeals Mag.Ct. (S.C. Judicial Dept.)(emphasis supplied).

State law requires any sentence to be imposed before a defendant can timely file an appeal.

Every person convicted before a magistrate of any offense whatever *and sentenced* may appeal from the sentence to the Court of Common Pleas for the county.

S.C. Code §18-3-10 (Code of Laws as amended)(emphasis supplied).

The appellant, within ten days *after sentence*, shall file notice of appeal with the clerk of circuit court and shall serve notice of appeal upon the magistrate who tried the case and upon the designated agent for the prosecuting agency or attorney who prosecuted the charge, stating the grounds upon which the appeal is founded.

S.C. Code §18-3-30 (Code of Laws as amended)(emphasis supplied).

South Carolina case law holds that an appeal is premature and not timely filed until a “final judgment” is rendered *after sentence* has been imposed. *State v. Looper*, 421 S.C. 384, 807 S.E.2d 203 (2017)(defendant has no right to appeal in a criminal case until a final judgment is imposed). There are no interlocutory appeals in South Carolina in criminal trials except in very rare circumstances. *State v. Rearick, supra. But cf., State v. Barnes (Barnes II)*, 413 S.C. 1, 774 S.E.2d 454 (2015)(appeal by State allowed prior to trial in capital case due to unusual right to counsel situation).

Thus, this court is unable to submit a complete Return because there has been no trial in this case. The defendant is presumed innocent, is entitled to her due process rights, and a jury trial has been scheduled. U.S. Const. Amend. 5, 6 and 14; S.C. Const. Art. I §3, 15. If defendant is found not guilty then no appeal is necessary.

Therefore, this court respectfully requests the S.C. Court of Appeals to dismiss the defendant’s appeal without prejudice as it is interlocutory; and any appeal, if allowed, would be to the Court of Common Pleas. This court further respectfully requests that the Court of Common Pleas likewise dismiss the appeal without prejudice.

I CERTIFY THAT THIS IS A TRUE AND ACCURATE STATEMENT OF THE RECORD IN THIS CASE.

  
Jeffrey P. Bloom – Chief Magistrate

Dated: August 13, 2024  
St. Matthews Magistrate Court  
2833 Old Belleville Road  
St. Matthews, S.C. 29135 Tele. (803) 874-1112

JEFFREY P. BLOOM  
CALHOUN COUNTY MAGISTRATE  
ST. MATTHEWS MAGISTRATE OFFICE

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St. Matthews, S.C. 29135  
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August 13, 2024

Hon. Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
AUG 15 2024  
SC Court of Appeals

RE: State v. Shaneeka Stroman  
Appellate Case No. \_\_\_\_\_  
Court of Common Pleas No. 2024-CP-09-00151  
Mag.Ct. Case No. 2024A0910100025, -26


Dear Ms. Kitchings,

Please find enclosed the required Magistrate Court Return in the above-named case. Please stamp the enclosed copy and return it to me in the envelope provided.

The Appellant has not yet had a jury trial so please inform this court if a more complete or detailed Return is necessary in this matter. By copy of this letter, I am notifying the Calhoun County Court of Common Pleas of the same, along with the Solicitor's Office as they represent the State in any such appeals in the Court of Common Pleas.

Please feel free to contact this court with any questions.

Sincerely,

  
Jeffrey P. Bloom  
Magistrate

cc: Hon. Lakeisha Moorner, Clerk of Court Calhoun County  
Shaneeka Stroman, Defendant-Appellant, *pro se*  
Ryan Templeton, Asst. Solicitor, First Judicial Circuit

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AUG 13 2024

Jeffery P. Bloom, Magistrate  
2833 Old Belleville Road  
P.O. Box 191  
St. Matthews, SC 29135

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SC Court of Appeals

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Clerk of Court  
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