

RECEIVED

SEP 24 2013

SC Court of Appeals

The State of South Carolina

County of Richland

In The Court of Common Pleas

Haiyan Lin

Vs.

City of Columbia

Appellant

Respondent

Case No. 2013CP4002594

2013 MAY 23 AM 9:43
JEANETTE M. FICHTER
CLERK OF COURT
RICHLAND COUNTY
FILED

Motion For Declaratory and Injunctive Relief

On May 2, 2013, under chief judge Dana Turner's special arrangement, the appellant was brought in front of judge Demiss for a motion hearing on Motion to Lift Bench warrants or to Set an Appeal Bond. Even though the appellant has repeatedly requested for recusals from both judge Demiss and judge Turner, due to their prejudice against the appellant in previous cases, Both judge Demiss and judge Turner have continued to violate the judicial codes of conducts and to deprive the appellant's rights of due process and equal protection of laws.

On Feb. 6, 2013, the city Fire Marshall illegally detained the appellant without arrest warrants, and then the city police sent her to Richland County Jail with one Harassment warrant and three bench warrants, without attaching any court documents. These bench warrants have obviously been forged with hand written date, white out and typed over sentencing days. They have not been posted on the system before Feb. 6, 2013. They are invalid. Therefore, their enforcement constitutes false arrestment.

On Feb. 7, 2013, during the bond hearing Judge Jenkins denied the four of the city official's requests to deny her bond for her release. He lifted the bench warrants and set the bond of \$1,095 for the harassment charge, which was dismissed on March 4, 2013, but still posted in RCDC.

On Feb. 8, 2013, judge Pana Turner then abused her power as city chief judge to put judge Jenkins's order on hold and to refuse to release the appellant after her bond being posted.

On Feb. 9, 2013, under judge Dana Turner's manipulation, judge Demiss over turned judge Jenkins' decision to lift the bench warrants and unlawfully replaced the three bench warrants with three different commitment orders without serving the appellant. A bond court judge can either confirm or lift bench warrants, and he has no authority to change and replace bench warrants with commitment orders. Judge Dana Turner and Judge Demiss intentionally manipulated court process and altered the court documents for the purpose to deprive the appellants right to be free on bonds and to send her to prison without due process. It is outright prejudice to send the appellant to prison with false commitment orders of altered charge information based on the bench warrants without due process of laws.

To cover up their conspiracy, judge Dana Turna has continued to abuse her power to prevent the appellant from rightfully obtaining a copy of her

charge records both from the county jail and from the state prison. Unfortunately, the Richland County Detention Center and South Carolina Department of Correction have worked in concert with the city of Columbia to accept the false commitment orders, to make false commitments and to sustain injustice of prejudice.

The willfulness on constitutional offenses on First and Fourteenth Amendments of U.S. Constitution is evidenced by the three bench warrants and three sets of commitment orders. Their conflicts and inconsistency are obvious. On May 2, 2013, during the motion hearing, Judge Denis could not deny their wrong doing of purposely cross over charges between the bench warrants Z10186 and Z10533, after the appellant pointing out the controversy between the bench warrants and commitment orders, he then ordered to make the correction. As a result, he issued two new commitment orders with new court date

of April 18, 2013, bearing the same bench warrant numbers of Z10186 and Z10533. Why? It is certainly not clerical errors. It is another conspiracy to alter the appellant's charge record to prolong her prison time, so that the city could finish to convict the appellant with 74 more new pending charges. These 74 charges are the same as those on the three bench warrants but with different violation dates, and each one of them carries 30 days sentence. Some more charges are keeping on coming and the process continues. In this way, the appellant could receive her accumulated life sentence.

It is inconceivable that such "evils" practices of judicial misconducts have prevailed through the South Carolina judicial system. The injustices have been sailing through the city police, the city bond courts, the county jail, the public defender, the state prison, and the circuit court without an intervention. How? and Why?

"The constitutional guarantee that no state shall deprive any person of life, liberty or property without due process of law," or deny any person "equal protection of ~~the~~ laws." (U.S. V. Morrison, 120 S. Ct. 1740.)

"The guaranty of equal protection of the laws is a pledge of the protection of equal laws." (Romer V. Evans, 116 S. Ct. 1620). Further, "Public trust and confidence is constitutionally protected from discrimination." (603 F. Supp. 349, 808 F.2d 138). Also, "statutes prohibiting conspiracy to deprive of civil rights and providing action for failure to prevent conspiracy to deprive civil rights."

(Robison V. Canterbury Village Inc, 651 F. Supp. 360, 817 F.2d 752, 848 F.2d 424).

"Any person has right to demand equal protection right, and to demand that any unequal treatment shall be under strictest judicial scrutiny." (Ho by Ho V. San. Fran. School District, 147 F.3d 854, 826 F.2d 160, 646 F. Supp. 1362).

"Judges, states and Federal alike, are bound by oath or affirmation to respect rights arising under U.S. Const. Art. 6." (Heimbach V. Chu, 744 F. 2d 11,105 S.Ct 1842)

In order to protect her rights of freedom and liberty, her rights of due process of laws and equal protection of the laws, the appellant moves to this court for declaratory and injunctive relief for constitutional claims." (Howard V. American Online Inc., 208 F. 3d 741; Geary V. Renne, 708 Supp. 278). She demands to vacate all the unlawful commitment orders and bench warrants; "to be free from unlawful restraints", U.S. C.A. Const. Amend. 4, 42 U.S. C.A. §1983, (Bemis V. Kelley, 671 F. Supp. 837, F. 2d 14); to identify "evil", "wrong", "chilling" effects of intentional discrimination on state actors. (118 S. Ct. 1812, 2059; 119 S. Ct. 936, 1482); to make a substantive due process claim of abuse of authority" (116 S. Ct. 620, 199 F. 3d 285). Although, "a liberty interest will arise from protection of due process clause and did not preclude relief on other theories,"

(Shavaze V. Cole, 69 F. Supp. 2d 177, 95 F. Supp. 2d 1140, 98 F. Supp. 2d 650). "A particular action may implicate more than one constitutional protection", (John Corp. V. City of Huston, 214 F. 3d 573).

May 13, 2013

Haiyan Lin
35 (A) 433/L3
Leath C.I.
2809 Airport Rd.
Greenwood SC 29649