

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Calhoun County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2024-002077

THE STATE,

Respondent,

vs.

SHANEEKA STROMAN,

Appellant.

MOTION TO DISMISS APPEAL

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

In February of 2024, Appellant Shaneeka Stroman was arrested by the Calhoun County Sheriff’s Office for one count of malicious injury to or trespass upon real property and one count of second-degree harassment.¹ At present, those two charges remain pending in the Calhoun County Magistrate Court, and Stroman has not yet been tried for, convicted of, or sentenced for either of the two charged offenses.² Records for Shaneeka Monet Stroman, Calhoun County First Judicial Circuit Public Index, <https://publicindex.sccourts.org/calhoun/publicindex>.

¹ Copies of the arrest warrants have been included with the State’s motion as Attachment “A.”

² A copy of the magistrate judge’s return, which confirms the current status of Stroman’s criminal charges, has been included with the State’s motion as Attachment “B.”

II.

Prior to Stroman’s trial on her Calhoun County charges, Stroman submitted a pro se motion seeking the dismissal of the criminal case against her. Through a written order issued on July 26, 2024, the magistrate judge denied Stroman’s pre-trial dismissal motion.³ Following the issuance of that order, Stroman filed a notice of appeal with both the Court of Appeals and the Calhoun County Court of Common Pleas attempting to appeal the magistrate judge’s denial of her dismissal motion. On December 2, 2024, the Honorable Maite Murphy, circuit court judge, issued an order dismissing Stroman’s appeal without prejudice as an improper interlocutory appeal and remanding the matter to the Calhoun County Magistrate Court for trial.⁴ Four days later, Stroman filed a notice of appeal with this Court as part of an apparent attempt to appeal Judge Murphy’s order. At present, that appeal is currently pending before this Court. Appellate Records for State v. Shaneeka Stroman, South Carolina Appellate Court Public Index, <https://ctrack.sccourts.org/public/caseView.do?csIID=82135>.

III.

In South Carolina, the right to appeal is conferred by Section 14-3-330 of the South Carolina Code of Laws. State v. Miller, 289 S.C. 426, 426, 346 S.E.2d 705, 705 (1986). Ordinarily, an appeal may only be pursued after a party has obtained a final judgment or has otherwise satisfied the terms of Section 14-3-330. State v. Wilson, 387 S.C. 597, 599, 693 S.E.2d 923, 924 (2010); see Hagood v. Sommerville, 362 S.C. 191, 194, 607 S.E.2d 707, 708 (2005) (“An appeal ordinarily may be pursued only after a party has obtained a final

³ A complete copy of the magistrate judge’s supplemental return has been included with the State’s motion as Attachment “C.” Notably, with that supplemental return, the magistrate judge included copies of Stroman’s pre-trial motion to dismiss and his order denying that motion.

⁴ A copy of Judge Murphy’s order has been included with the State’s motion as Attachment “D.”

judgment.”); Miller, 289 S.C. at 427, 346 S.E.2d at 706 (“In order to exercise his statutory right to appeal, a defendant must come within the terms of the applicable statute.”). In criminal cases, judgment for a criminal defendant is not final until a sentence is imposed. State v. Robinson, 287 S.C. 173, 174, 337 S.E.2d 204, 204 (1985); see Berman v. United States, 302 U.S. 211, 212 (1937) (“Final judgment in a criminal case means sentence. The sentence is the judgment.”); State v. Looper, 421 S.C. 384, 390, 807 S.E.2d 203, 206 (2017) (“[I]n the criminal context, a judgment is final when sentence is imposed.”). Thus, a criminal defendant may *not* appeal until *after* a sentence has been imposed. Parsons v. State, 289 S.C. 542, 542, 347 S.E.2d 504, 504 (1986); see State v. Timmons, 68 S.C. 258, 259, 47 S.E. 140, 141 (1904) (“[A] defendant in a criminal case cannot appeal except from the final sentence imposed by the Court.”); see also S.C. Code Ann. § 18-3-30 (“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.” (emphasis added)).

III.

In the case sub judice, Stroman appears to be attempting to appeal an order dismissing—correctly—her earlier interlocutory appeal to the Calhoun County Court of Common Pleas as an improper interlocutory appeal. However, just as Judge Murphy aptly recognized in dismissing Stroman’s first interlocutory appeal in this matter, Stroman’s case had not and has not yet gone to trial, and Stroman had not and has not yet been convicted of or sentenced for the criminal charges to which her current appeal relates. See Wilson, 387 S.C. at 603, 693 S.E.2d at 926 (recognizing the general rule is a criminal defendant cannot appeal until he has been convicted and sentenced). Significantly, as our courts have historically and consistently recognized time

and time again, a criminal defendant in South Carolina *cannot* properly appeal from a pre-trial order denying a motion to dismiss a case unless and until the person is convicted and sentenced. Cf. State v. Isaac, 405 S.C. 177, 184, 747 S.E.2d 677, 680 (2013) (explaining the denial of a request for immunity from prosecution is analogous to the denial of a motion to dismiss based on a purported double jeopardy violation, which is not immediately appealable); Miller, 289 S.C. at 427, 346 S.E.2d at 706 (“[A]n order denying a double jeopardy claim is not immediately appealable.”); State v. Parker, 267 S.C. 317, 323, 227 S.E.2d 677, 679 (1976) (“A motion to quash an indictment is appealable only from a final judgment in the court below.”); State v. Wyatt, 115 S.C. 325, 325-326, 105 S.E. 704, 704 (1921) (finding a challenge to a double jeopardy ruling was not immediately appealable because no final judgment had been obtained). As a result, Stroman’s appeal is—just as Judge Murphy correctly recognized—an improper interlocutory one from an order that is not immediately appealable, and, therefore, it must be dismissed and Stroman’s case should be immediately remanded to the Calhoun County Magistrate Court for trial.⁵ See State v. Hubbard, 277 S.C. 568, 569, 290 S.E.2d 817, 817 (1982) (“No final judgment has occurred in this case and the order appealed from is interlocutory. Therefore, we dismiss the appeal and remand the case for trial.” (citation omitted)); see also State v. Burbage, 51 S.C. 284, 287, 28 S.E. 937, 938 (1898) (“To allow appeals to be heard from such preliminary rulings would enable a party charged with the most serious crime always to secure a continuance, when not otherwise entitled to it, by simply moving to quash the

⁵ Notably, the fact Stroman’s current appeal must be dismissed as an improper interlocutory one does *not* mean Stroman will not be able to later appeal the magistrate judge’s order denying her pre-trial motion seeking dismissal *if* she is ultimately tried for, convicted of, and sentenced for her Calhoun County criminal charges. Cf. Looper, 421 S.C. at 391 n. 4, 807 S.E.2d at 206 n. 4 (“If Petitioner is convicted and sentenced in the magistrate’s court, he may then challenge on appeal the circuit court’s reversal of the magistrate’s order suppressing evidence and dismissing the charge.”).


indictment, and, when his motion is overruled, give notice of appeal from such ruling, and thereby stop the trial, as was the case in the present instance. Both reason and authority require us to hold that this appeal is premature, and must therefore be dismissed.”); cf. Looper, 421 S.C. at 390, 807 S.E.2d at 206 (“As Petitioner has not been convicted and sentenced, there has been no final judgment, and as no exception to the requirement of a final judgment is applicable under the facts of this case, Petitioner’s appeal is premature and must be dismissed.”); Isaac, 405 S.C. at 187, 747 S.E.2d at 682 (“[B]ecause the denial of a defendant’s request for immunity under the [South Carolina Protection of Persons and Property] Act is an interlocutory order not subject to immediate appeal, this appeal is dismissed and the matter is remanded for trial.”).

WHEREFORE, Respondent prays this Court will dismiss Appellant’s appeal as an improper interlocutory appeal from an order that is not immediately appealable; remand the case to the magistrate court for trial; hold this appeal in abeyance pending a ruling on Respondent’s motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General

By: 
Mark R. Farthing
S.C. Bar Number 76901

March 3, 2025

ATTACHMENT "A"

ARREST WARRANT

2024A0910100025

STATE OF SOUTH CAROLINA
County/ Municipality of

Calhoun

THE STATE
against

Shanceeka Monet Stroman

Address:

Phone: [redacted] SSN: [redacted]
Sex: F Race: B Height: 5 6 Weight: 199

DL State: SC DL #: [redacted] Agency ORI #: SC00900000

Prosecuting Agency: Calhoun County Sheriff

Prosecuting Officer: Roger A Carter, II - S00259

Offense: Malicious / Malicious injury to tree, house;

trespass upon real property, injury value \$2,000 or

Offense Code: 3428

Code/Ordinance Sec: 16-11-0520(A)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

is to be arrested and brought before me to be

dealt with according to the law. (L.S.)

Date: _____

Signature of Judge

RETURN

A copy of this arrest warrant was delivered to

defendant S. STROMAN

on 2/8/24

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

St. Matthews Magistrate

2833 Old Belleville Road / P O Box 191

St. Matthews, SC 29135

ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Calhoun

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about 9/21/2023

State of South Carolina (or ordinance of County/ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Malicious / Malicious injury to tree, house; trespass upon real property, injury value \$2,000 or less

I further state that there is probable cause to believe that the defendant named above did commit

the crime set forth and that probable cause is based on the following facts:

That between September 21 - 26, 2023, in the County of Calhoun, one Shanceeka Monet Stroman did willfully, unlawfully and

maliciously commit a trespass upon the real property of another at [redacted] Defendant did not have

permission to be on these premises. Defendant went onto the property, attempted to post signs, placed some of her own personal

property on the premises inc. a lawn mower, and attempted without authority of law to claim the premises as her own. In Case No.

2023-CP-09-00171, the Circuit Court of Common Pleas dismissed defendant's claims with prejudice; and defendant admitted in

court to trespassing on the premises. The victim is Emily Fischer Bunker, with POA over her mother's property, Carol Benoit

Fischer.

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Calhoun

Affiant's Address

2811 Old Belleville Road

Affiant's Telephone

St. Matthews, SC 29135-

(803)874-2741

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

it appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/21/2023

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of

Calhoun

defendant Shanceeka Monet Stroman

) as set forth below:

DESCRIPTION OF OFFENSE: Malicious / Malicious injury to tree, house; trespass upon real property, injury value \$2,000 or less

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or

her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as

soon thereafter as is practicable

Sworn to and subscribed before me

on 2/5/2024

Signature of Constable/Law Enforcement Officer

Jeffrey P. Bloomer

Judge Code: 7375

Issuing Court: Magistrate Municipal Circuit

ORIGINAL ORIGINAL ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

AFFIDAVIT

Roger A Carter, II

Shanceeka Monet Stroman

9/21/2023

County/ Municipality of

Calhoun

violate the criminal laws of the

)

who

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ARREST WARRANT

2024A0910100026

STATE OF SOUTH CAROLINA County/ Municipality of

Calhoun

THE STATE against

Shaneeeka Monet Stroman

Address:

Phone:

Sex: F

Race: B

Height: 5 6

Weight: 199

DL State: SC

DL #: [REDACTED]

DOB: [REDACTED] Agency ORI #: SC00900000

Prosecuting Agency: Calhoun County Sheriff

Prosecuting Officer: Roger A Carter, II - S00259

Offense: Harassment / 2nd degree Harassment

Offense Code: 2401

Code/Ordinance Sec: 16-03-1700(B)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

is to be arrested and brought before me to be dealt with according to the law. The accused

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant S. STROMAN

on 2/8/24

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

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

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Calhoun

Personally appeared before me the affiant Roger A Carter, II

being duly sworn deposes and says that defendant Shaneeeka Monet Stroman

did within this county and state on or about 9/21/2023

State of South Carolina (or ordinance of County/ Municipality of

Calhoun

) violate the criminal laws of the

in the following particulars:

DESCRIPTION OF OFFENSE: Harassment / 2nd degree Harassment

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That between September 21 - November 21, 2023, and continuing thereafter, in the County of Calhoun, one Shaneeeka Monet Stroman did engage in a pattern of unreasonable intrusion into the private life of the victim that served no legitimate purpose and caused the victim & would cause a reasonable person to suffer mental or emotional distress. Defendant has no lawful claim to the premises at [REDACTED] On 9/21/23 Defendant changed the electric power account with Dominion Energy into Defendant's name. On 10/31/23 and 11/21/23, Defendant again attempted to change the power into her name. Defendant submitted "sham" documents to the County Clerk of Court in an unlawful &/or fraud attempt to claim these premises as her own. In Case No. 2023-CP-09-00171, the Circuit Court of Common Pleas dismissed defendant's claims with prejudice; and defendant admitted in court to trespassing on the premises. The victim is Emily Fischer Bunker, with POA over her mother's property, Carol Benoit

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Calhoun

Affiant's Address 2811 Old Belleville Road

St. Matthews, SC 29135-

Affiant's Telephone (803)874-2741

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/21/2023 defendant Shaneeeka Monet Stroman

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Calhoun) as set forth below:

DESCRIPTION OF OFFENSE: Harassment / 2nd degree Harassment

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 2/5/2024

Judge's Address Post Office Box 191

St. Matthews, SC 29135-

Judge's Telephone (803)874-1112

(L.S.)

Signature of Issuing Judge

Jeffrey P. Blodgett

Judge Code: 7375

Issuing Court: [X] Magistrate

[] Municipal

[] Circuit

ORIGINAL

ORIGINAL

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ATTACHMENT "B"

STATE OF SOUTH CAROLINA) IN THE ST. MATTHEWS MAGISTRATE
COUNTY OF CALHOUN) COURT FOR CALHOUN COUNTY
) Mag.Ct.Case No. 2024A0910100025, -26
STATE OF SOUTH CAROLINA) Common Pleas Appeal No. 2024-CP-09-00151
Respondent-Appellee)
) **Ct. of Appeals No.:** _____

VS.

SHANEEKA STROMAN)
Appellant-Defendant) MAGISTRATE COURT RETURN

IN RE:

Calhoun County Magistrate Court, Emily
Fischer Bunker, Carol Fischer,
State of South Carolina, Et.Al. Respondents¹
v. Shaneeka Stroman, Appellant

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.

¹ 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-2nd 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).

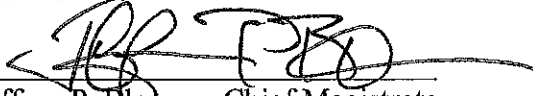
South Carolina case law holds that an appeal is premature and not timely filed until a “final judgment” is rendered *after* sentence has been imposed. *State v. Looper*, 421 S.C. 384, 807 S.E.2d 203 (2017)(defendant has no right to appeal in a criminal case until a final judgment is imposed). There are 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.

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


Jeffrey P. Bloom – Chief Magistrate

ATTACHMENT "C"

STATE OF SOUTH CAROLINA
COUNTY OF CALHOUN

IN THE ST. MATTHEWS MAGISTRATE
COURT FOR CALHOUN COUNTY

STATE OF SOUTH CAROLINA
Respondent-Appellee

Mag.Ct. Case No. 2024A0910100025, -26

VS.

Common Pleas Appeal No. 2024-CP-09-00151

SHANEEKA STROMAN
Appellant-Defendant

SUPPLEMENTAL MAGISTRATE COURT RETURN

IN RE:

Calhoun County Magistrate Court, Emily
Fischer Bunker, Carol Fischer,
State of South Carolina, Et. Al. Respondents¹
v. Shaneeka Stroman, Appellant

ON APPEAL TO THE
CALHOUN COUNTY CIRCUIT COURT OF COMMON PLEAS
IN A CRIMINAL MISDEMEANOR CASE

The St. Matthews magistrate court submits this Supplemental Return on Defendant Shaneeka Stroman's *pro se* interlocutory appeal on her pending criminal misdemeanor case in this magistrate court. No jury trial has been held, so there is no final disposition in this case. A jury trial was scheduled for September 13, 2024, but has been continued pending Appellant's criminal interlocutory appeal to the Circuit Court.

On July 10, 2024, Appellant filed a *pro se* Motion to Dismiss. On July 25, 2024, this court heard the Motion and denied it, issuing a written Order on July 26, 2024.² This court then set her jury trial for September 13, 2024.

On August 1, 2024, Appellant filed a Notice of Appeal in the South Carolina Court of Appeals. On August 5, 2024, Appellant filed the same interlocutory appeal with the Circuit Court of Common Pleas. It appears her appeal is based on this court's denial of her Motion to Dismiss.

On August 9, 2024, this magistrate court received a copy of the Appellant's appeal. On August 13, 2024, this court filed a Return in both the S.C. Court of Appeals and the Circuit Court of Common Pleas (Magistrate

¹ Appellant incorrectly used this caption in her Notice of Appeal. The actual case name is: "State v. Stroman."
² At the July 25th hearing, Appellant chose to continue with appointed counsel. At a later hearing on August 9th, Appellant changed her mind and insisted on representing herself, which this court granted.

return incorporated herein). On September 4, 2024, this court received notice of the S.C. Court of Appeals' dismissal of her appeal in that court, and noting the appeal remained in the jurisdiction of the Circuit Court of Common Pleas. On September 5, 2024, due to this pending appeal in the Common Pleas Court, this magistrate court continued the September 13th jury trial in this case.

This court submits that this is an interlocutory appeal as there has been no jury trial in this case; although one was scheduled for September 13, 2024.³ See *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); *State v. Rearick*, 417 S.C. 391, 790 S.E.2d 192 (2016)(defendant cannot have interlocutory appeal from lower court pre-trial orders); §18-3-10 ("may appeal the sentence"); §18-3-30 (appeal to be filed 10 days after sentencing); Summary Court Bench Book, Section 14(a), Appeals Mag.Ct. (S.C. Judicial Dept.). Appellant has not been convicted of anything so there is no verdict, no judgment, and certainly no sentence.

Thus, this court can only submit a partial Return because there has been no trial in this case.

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

Dated: September 6, 2024
St. Matthews Magistrate Court
2833 Old Belleville Road
St. Matthews, S.C. 29135 Tele. (803) 874-1112


Jeffrey P. Bloom – Chief Magistrate

Attachments:

- 1) Order: Appointing Counsel; Defendant's Pre-Trial Motion (p.2), & Jury Trial Date, dated July 26, 2024
- 2) Appellant's Motion to Dismiss, dated July 10, 2024
- 3) S.C. Court of Appeals Letter to Appellant, dated August 6, 2024
- 4) Order Finding Defendant Has Right To Self-Representation, dated August 12, 2024

³ The court notes that it was not until after the court set a trial date that Appellant decided to file an interlocutory appeal which delayed these proceedings in magistrate court.

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)
STATE OF SOUTH CAROLINA)
Respondent-Appellee)
VS.)
SHANEEKA STROMAN)
Appellant-Defendant)

IN THE ST. MATTHEWS MAGISTRATE
COURT FOR CALHOUN COUNTY
Mag.Ct.Case No. 2024A0910100025, -26

Common Pleas Appeal No. 2024-CP-09-00151

SUPPLEMENTAL MAGISTRATE COURT RETURN

ATTACHMENT 1:

Order: Appointing Counsel; Defendant's Pre-Trial Motion (p.2), & Jury
Trial Date, dated July 26, 2024

STATE OF SOUTH CAROLINA)
County Of CALHOUN)

IN THE SUMMARY COURT)
2024A0910100025, -26)

State of South Carolina)

vs)

SHANEKA STROMAN)

Defendant)

ORDER:
APPOINTED COUNSEL;
DEFENDANT PRE-TRIAL MOTION;
AND JURY TRIAL DATE

This matter is before this court on July 25, 2024. Defendant is present with court appointed counsel Thomas Sims. The State is represented by CCSO Capt. Regalis. The court continues the appointment of attorney Sims for defendant. The court denies defendant's pre-trial Motion To Dismiss.

APPOINTMENT OF COUNSEL.

The court continues the appointment of attorney Thomas Sims to represent the defendant. On February 23, 2024, she applied and was approved for appointed counsel through the Clerk of Court Office on the charges in this court of Harassment-2nd degree and Trespass. Defendant has at times expressed her interest in representing herself,¹ and has filed her own *pro se* Motion To Dismiss (addressed below). At this hearing, the court extensively reviewed with defendant her right to counsel and her right to self-representation, asking numerous questions of her regarding her *Faretta* rights and the dangers of self-representation but that the decision was solely hers. The court informed defendant there is no constitutional or statutory right to "hybrid" representation – where she and her attorney both act as counsel. *State v. Rivera*, 402 S.C. 225, 741 S.E.2d 694 (2013); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002). Though she may be eligible for advice of "standby counsel" at trial.

The court adjourned for a lengthy period of time and allowed defendant to confer with attorney Sims. When the court reconvened, defendant expressed her interest in continuing with appointed counsel. The court again reviewed with defendant her right to counsel and her right to represent herself, and that it was solely her decision. Thus the court reaffirms and continues the appointment of attorney Sims for the defendant; although, defendant may decide up until the jury trial to inform her attorney and this court if she changes her mind and wants to represent herself. The court reserves the right to assess her a fee for the Public Defender Fund for attorney Sims' legal services. S.C. Code §17-3-40.

The above ruling is issued pursuant to S.C. Code sec. 17-3-5 et.seq.; *Faretta v. California*, 422 U.S. 806 (1975); *Argersinger v. Hamlin*, 407 U.S. 25 (1972); *Alabama v. Shelton*, 535 U.S. 654 (2002); *State v. Rivera, supra.*; *Jones v. State, supra.*; U.S. Const. Amend. 6; S.C. Const. Art. I sec. 14.

¹ Defendant represents herself as a Plaintiff in civil litigation [2023-CP-09-00171] that she has filed in Circuit Court regarding the same real property at issue in this criminal case. Her claim was dismissed but she has appealed *pro se* to the S.C. Court of Appeals [2024-000195].

DEFENDANT'S MOTION TO DISMISS.

The court denies Defendant's Motion To Dismiss. On July 10, 2024, Defendant filed *pro se* a Motion To Dismiss. Her Motion lists five separate grounds: (1) The Clerk of Court and other agencies have attested to documents that the real property is abandoned so no trespass can occur; (2) Four signs were not posted as required by §16-11-600 so that the charge lacks probable cause; (3) She claims the real property as "heir property;" (4) She claims the real property as "squatters' rights;" and (5) Code §15-67-10, §15-67-20, §15-67-210, and §15-82-10, create a "presumption of possession" for her.

After Defendant affirmed her right to counsel, attorney Sims argued grounds (1) and (2), but waived and abandoned the remaining grounds because he could not support them in fact or law. Thus grounds (3), (4), and (5), are hereby waived and dismissed; and these grounds are not preserved as they are waived and Defendant does not have a right to present them herself as she has attorney Sims.²

The overall strategic theme of the Defendant's Motion and attached documents is to show that the real property at [REDACTED] underlying these charges of Trespass and Harassment, was abandoned so that she had statutory and other rights to take possession of the real property herself. First, as to the Clerk, Post Office "attesting" to the "abandoned" nature of the real property, Counsel's argument does not support what she purports the documents to support. The Clerk of Court merely notarized Defendant's signature on documents that she herself filed with the Court of Common Pleas in her civil suit. A notary does not attest to the contents of the documents so notarized. S.C. Code §26-1-5, §26-1-90. The Clerk's Office was not verifying the facts in the documents submitted by Defendant. Likewise, the U.S. Post Office stamped "abandoned" and returned U.S. Mail that the Defendant sent to the address. This too does not legally or factually support a dismissal of the charge. The other documents Defendant submits, such as the "Affidavit of Non-Service" similarly are lacking in proof of what Defendant purports them to be.³

Second, Counsel argues that §16-11-600 requires four "No Trespass" signs to be posted before Defendant can be charged with Trespass. But Defendant is not charged under §16-11-600. Defendant is charged under §16-11-520(A). It states that it is a malicious injury to real property to "...or commit any other trespass upon real property of another." *Id.* This section does not require the posting of four signs to ward off potential trespassers.

Thus, the Defendant's Motion is denied as to grounds (1) and (2). The remaining grounds (3), (4) and (5) are waived and hereby dismissed, and are not preserved.

²The court agrees with defense counsel that these grounds (3), (4), and (5), are meritless.

³ Whether any of Defendant's documents are even admissible at trial are not addressed at this time.

SCHEDULING JURY TRIAL.

Jury Qualification and Selection is scheduled for September 13, 2024, at 9:30 a.m. at the main County Courthouse, 902 F.R. Huff Drive.

Defendant's jury trial has been continued once before on February 29, 2024 (Order dated same). This was at Defendant's request because she was appealing *pro se* to the S.C. Court of Appeals the dismissal from Common Pleas Court of her civil litigation for self-possession of the [REDACTED] property. While the appeal is still pending, the court will not delay this case further. Thus it is scheduled for jury trial as set forth above.

Capt. Regalis with CCSO requests a continuance because the State may seek additional charges or Burglary or other applicable offense(s) if the Sheriff's Office determines that credible evidence exists that the Defendant actually entered the home at Church Street. Capt. Regalis notes at this hearing that Defendant's own *pro se* Motion appears to admit that she actually went into the [REDACTED] house. Her own Motion states as follows:

"Defendant posted No trespassing signs all around the home and secured home ... which allowed Defendant to enter vacant/abandoned property lawfully ..."

Defendant Motion at p.2.

"The defendant was the occupant until forced entry and detainer occurred."

Defendant Motion at p. 3.

Capt. Regalis also notes his Department has requested a copy of the transcript from the Common Pleas Court hearing where Defendant may have made similar self-incriminating admissions. Thus it appears that the Sheriff's Office investigation in this matter is ongoing. This court determines that if additional charges are sought and additional warrants issued, then the scheduling of this trial or its continuance can be addressed at that juncture.

IT IS THEREFORE ORDERED that:

1. The appointment of attorney Thomas Sims is continued at this time. Defendant reserves the right prior to trial to submit notice to this court and her attorney if she decides to represent herself.
2. The Defendant's Motion To Dismiss is DENIED as to grounds (1) and (2), above.
3. The Defendant's Motion To Dismiss as to grounds (3), (4), and (5), above, is WAIVED and DISMISSED and NOT PRESERVED.
4. Jury Trial Qualification and Selection is scheduled for September 13, 2024, at 9:30a.m.

AND IT IS SO ORDERED.

July 26, 2024
St. Matthews Magistrate Court
2811 Old Belleville Rd., St. Matthews SC 29135
Tele. 803-874-1112


Magistrate Court Judge – Jeffrey P Bloom

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)
STATE OF SOUTH CAROLINA)
Respondent-Appellee)
VS.)
SHANEEKA STROMAN)
Appellant-Defendant)

IN THE ST. MATTHEWS MAGISTRATE
COURT FOR CALHOUN COUNTY
Mag.Ct.Case No. 2024A0910100025, -26

Common Pleas Appeal No. 2024-CP-09-00151

SUPPLEMENTAL MAGISTRATE COURT RETURN

ATTACHMENT 2:

Appellant's Motion to Dismiss, dated July 10, 2024

Motion to Dismiss Plaintiff's Claims

Case #2024A0910100025

RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause; Probable cause does not exist on either charge for the defendant because Calhoun County Sheriff's office and USPS provided evidence of vacant and abandoned property.

In the State of South Carolina

Prosecutor Carter at Calhoun County sheriff department was provided with a copy of service by Calhoun County sheriff's department labeling [REDACTED] abandoned.

NOT ONLY DID CALHOUN COUNTY STAMP ABANDONED ON [REDACTED]
[REDACTED] ADDRESS BUT THE UNITED STATES POSTAL SERVICE
ALSO STAMPED [REDACTED] VACANT.

2022 South Carolina Code of Laws

Title 16 - Crimes and Offenses

Chapter 11 - Offenses Against Property

Section 16-11-600. Notice of trespassing; purple paint.

Universal Citation: SC Code § 16-11-600 (2022)

PreviousNext

(A) Every entry upon the lands of another, after notice from the owner or tenant has been posted or given prohibiting such entry, is a misdemeanor and must be punished by a fine of not more than one hundred dollars or by imprisonment not more than thirty days.

The defendant was the occupant until forced entry and detainer occurred. Therefore, the trespassing charge is invalid. The plaintiff bringing the charges is neither the owner nor the occupant.

When heirs' property is created, the heirs own all the property together (in legal terms, they own the property as "tenants in common"). In other words, they each own an interest in the undivided land rather than each heir owning an individual lot or piece of the land. In addition, unless the heirs go to the appropriate administrative agency or court in their jurisdiction and have the title or deed to the land changed to reflect their ownership, the land will remain in the name of the person who died.

Therefore, the plaintiff Emily Bunker allegations against the defendant are invalid and bogus

. The Postal Service **may withdraw delivery service to vacant delivery points**. A vacant delivery point is a delivery point where responsible personnel are aware the delivery point has been unoccupied for a period longer than ninety (90) consecutive days

Plaintiff Emily Fischer Bunker was unaware of the delivery points because of her negligence by being an irresponsible personnel of Carol Fischer's mail by admitting abandoning the mail. [REDACTED] [REDACTED] has been unoccupied longer than (90) consecutive days.

Color of Title in SC

The color of title refers to a document that appears to give the squatter the right to claim legal ownership of the property, even if the title has a defect or no actual valid claim. In South Carolina, color of title enables a squatter to claim adverse possession after only 5 years of continuous occupation, instead of the typical 10 years without color of title.

Defendant does have a color of title/affidavit recorded and notarized by the clerk of court.

Whether it's an improper recording or not South Carolina law states that **The duties of the ROD are provided for in Title 30, Chapter 5 of the S.C. Code of Laws**. The proper recording of documents provides notice to subsequent purchasers or creditors of the interests of others in the property and establishes priority of claims against that property. Generally, all instruments conveying an interest in real property must be recorded in that county's ROD in order to be valid. Other documents of public interest may also be recorded by the ROD.

requested that defendant leave the premises. Defendant was never given a notice to quit or a notice to vacate.

2023 South Carolina Code of Laws

Title 15 - Civil Remedies and Procedures

Chapter 67 - Recovery Of Real Property

Section 15-67-210. Presumption of possession; when occupation deemed under legal title.

Universal Citation: SC Code § 15-67-210 (2023)

In every action for the recovery of real property or the possession thereof the person establishing a legal title to the premises shall be presumed to have possessed thereof within the time required by law. The occupation of such premises by any other person shall be deemed to have been under and in subordination to the legal title unless it appears that such premises have been held and possessed adversely to such legal title for ten years before the commencement of such action.

Universal Citation: SC Code § 15-82-10 (2023)

(A) As used in this section, the terms:

(1) "Possessor of land" means the possessor of any fee, reversionary, or easement interest in real property, including an owner, lessee, or other lawful occupant.

(2) "Trespasser" means a person who enters or remains on the land of another without permission or without legal privilege.

(B) A possessor of land owes no duty to a trespasser except to refrain from causing a willful or wanton injury.

Exhibits

Z - Affidavit of charges

O - Recorded instrument

U - Affidavit Non Service

Q - Affidavit of Vacant

P - Admittance

N - Unlawful act of plaintiff

V - Vacant notice

R - Due Diligence

A - Order

ARREST WARRANT

2024A0910100026

STATE OF SOUTH CAROLINA

County/ Municipality of

Calhoun

THE STATE against

Shaneeeka Monet Stroman

SSN: [REDACTED]

Race: B Height: 5 6 Weight: 199

DL #: [REDACTED] Agency ORI #: SC00900000

Calhoun County Sheriff

Roger A Carter, II - S00259

Harassment / 2nd degree Harassment

2401

16-03-1700(B)

CERTIFIED FOR SERVICE in the

Municipality of

The accused

with according to the law.

(L.S.)

Signature of Judge

RETURN

Copy of this arrest warrant was delivered to

Shaneeeka Monet Stroman

2/18/24

Signature of Constable/Management Officer

St. Matthews Magistrate

2833 Old Belleville Road / P O Box 191

St. Matthews, SC 29135

ARREST WARRANT COPY

ARREST WARRANT COPY

ARREST WARRANT COPY

ARREST WARRANT COPY

ARREST WARRANT COPY

ARREST WARRANT COPY

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ARREST WARRANT COPY

ARREST WARRANT COPY

ARREST WARRANT COPY

STATE OF SOUTH CAROLINA

County/ Municipality of

Calhoun

Roger A Carter, II

Personally appeared before me the affiant

being duly sworn deposes and says that defendant

did within this county and state on or about

State of South Carolina (or ordinance of

in the following particulars:

DESCRIPTION OF OFFENSE: Harassment / 2nd degree Harassment

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That between September 21 - November 21, 2023, and continuing thereafter, in the County of Calhoun, one Shaneeeka Monet Stroman did engage in a pattern of unreasonable intrusion into the private life of the victim that served no legitimate purpose and caused the victim & would cause a reasonable person to suffer mental or emotional distress. Defendant has no lawful claim to the premises at [REDACTED] On 9/21/23 Defendant changed the electric power account with Dominion Energy into Defendant's name. On 10/31/23 and 11/21/23, Defendant again attempted to change the power into her name. Defendant submitted "sham" documents to the County Clerk of Court in an unlawful &/or fraud attempt to claim these premises as her own. In Case No. 2023-CP-09-00171, the Circuit Court of Common Pleas dismissed defendant's claims with prejudice; and defendant admitted in court to trespassing on the premises. The victim is Emily Fischer Bunker, with POA over her mother's property, Carol Benoit

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Calhoun

Affiant's Address 2811 Old Belleville Road

Affiant's Telephone (803)874-2741

St. Matthews, SC 29135

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

if appearing from the above affidavit that there are reasonable grounds to believe that

on or about 9/21/2023

defendant Shaneeeka Monet Stroman

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Calhoun

) as set forth below:

DESCRIPTION OF OFFENSE: Harassment / 2nd degree Harassment

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Sworn to and subscribed before me

on 2/15/2024

Signature of Issuing Judge (L.S.)

Jeffrey P. Bloom

Judge Code: 7375

Judge's Address Post Office Box 191

Judge's Telephone (803)874-1112

St. Matthews, SC 29135

Issuing Court: Magistrate

Municipal

Circuit

Form Approved by S.C. Attorney General April 21, 2003 SCSA 518

DEFENDANT COPY

EXHIBIT AFFIDAVIT

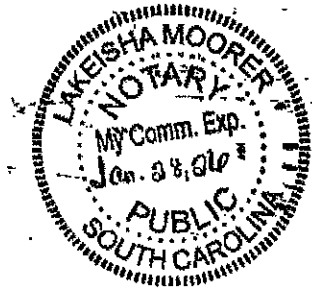
Subscribed and sworn to and before me by the above name affiant on:

Seal to certify which witness my hand and official seal.

Notary *Lakesha Moore*
Jan. 28, 2020

Witness#1 *Lakesha S. G. Heman*

Witness#2 *Lakesha Moore*





2023-CP-00-00171

certified letter

Thu, Sep 28, 2023 at 11:57 AM

Shaneeka Stroman <shaneekastroman8@gmail.com>
@calhouncountylibrary.org

[Redacted] is a vacant residence.

[Redacted] wrote:

Tue, Jun 27, 2023 at 10:04 AM Millie Irick <millie.s.irick@usps.gov> wrote:
The certified letter was returned to sender due to the address [Redacted].
Sorry for the delay processing can take up to thirty days sometimes.

FILED

2023 SEP 29 AM 11:40

LAUREN S. WOODRICK
CLERK OF COURT
CALHOUN COUNTY
ST. MATTHEW, SC

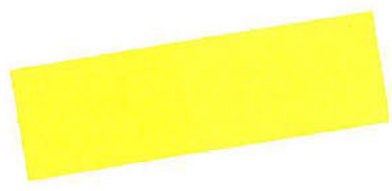


Exhibit Q

ARTICLE 5

Forcible Entry and Detainer

2023 SEP 29 AM 11:11
FILED
CLERK OF COURT
CALHOUN COUNTY
STANTON, MISSISSIPPI

. Action may be had against person wrongfully disseizing.

If any person be put out or disseized of any lands or tenements in forcible manner or put out peaceably and be afterwards holden out with strong hand, or, after such entry, any reoffment or discontinuance in any wise thereof be made to defraud and take away the right of the possessor. the party grieved in this behalf shall have an action against such disseizor.

HISTORY: 1962 Code Section 10-2431; 1952 Code Section 10-2431; 1942 Code Section 889; 1932 Code Section 889; Civ. P. '22 Section 837; Civ. C. '12 Section 4068; Civ. C. '02 Section 2967; G. S. 2294; R. S. 2427; 1712 (2) 445.

SECTION 15-67-420. Plaintiff's right to treble damages.

If the party grieved recover in such action and it be found by verdict or in other manner by due form of law that the party defendant entered with force into the lands and tenements or, after his entry, did hold them with force. the plaintiff shall recover treble damages against the defendant.

HISTORY: 1962 Code Section 10-2432; 1952 Code Section 10-2432; 1942 Code Section 890; 1932 Code Section 890; Civ. P. '22 Section 838; Civ. C. '12 Section 4069; Civ. C. '02 Section 2968; G. S. 2295; R. S. 2428; 1712 (2) 445.

SECTION 15-67-430. Court of common pleas shall have jurisdiction.

The court of common pleas of the county wherein such lands and tenements may be situated may inquire by the people of the same county, as well of them that make forcible entries in lands and tenements as of them which hold such lands and tenements with force.

HISTORY: 1962 Code Section 10-2433; 1952 Code Section 10-2433; 1942 Code Section 886; 1932 Code Section 886; Civ. P. '22 Section 834; Civ. C. '12 Section 4065; Civ. C. '02 Section 2964; G. S. 2291; R. S. 2424; 8 H 6 c. 9; 1712 (2) 444; 1972 (57) 2535.

SECTION 15-67-440. Restitution of possession to tenants for years.

The court authorized and enabled upon inquiry to give restitution of possession unto tenants of any estate of freehold of their lands or tenements which shall be entered upon with force or from them withholden by force shall have the like and the same authority and ability. upon indictment of such forcible entries or forcible withholdings before them duly found. to give like restitution of possession unto tenants for terms of years of lands or tenements by them so holden which shall be entered upon by force or holden from them by force.

Shameeka Stroman



CERTIFIED MAIL



7021 2720 0002 441B 4330

RDC 99

29135

Carol Fischer



Wicak

NOV 15 2006 08:21
RETURN TO SENDER
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

NSS

BC: 29160970535 2534-00946-15-35



Exhibit



STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)

STATE OF SOUTH CAROLINA)
Respondent-Appellee)

VS.)

SHANEEKA STROMAN)
Appellant-Defendant)

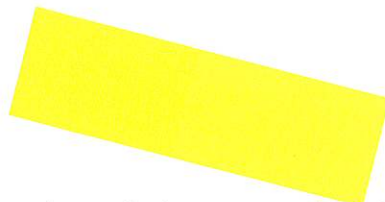
IN THE ST. MATTHEWS MAGISTRATE
COURT FOR CALHOUN COUNTY
Mag.Ct.Case No. 2024A0910100025, -26

Common Pleas Appeal No. 2024-CP-09-00151

SUPPLEMENTAL MAGISTRATE COURT RETURN

ATTACHMENT 3:

S.C. Court of Appeals Letter to Appellant, dated August 6, 2024





The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

CATHERINE S. HARRISON
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.scdcourts.org

CALHOUN COUNTY MAG C1
SEP 4 '24 PM2:06

August 06, 2024

Shaneeka Stroman

Dear Ms. Stroman:

The Court received your correspondence on August 2, 2024. If you wish to challenge a decision from the magistrate court, you must file an appeal with the court of common pleas for Calhoun County. This Court does not have jurisdiction to consider appeals directly from the magistrate court. No further action will be taken on your filing.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine Harrison, deputy".

CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF CALHOUN)
STATE OF SOUTH CAROLINA)
Respondent-Appellee)
VS.)
SHANEEKA STROMAN)
Appellant-Defendant)

IN THE ST. MATTHEWS MAGISTRATE
COURT FOR CALHOUN COUNTY
Mag.Ct.Case No. 2024A0910100025, -26

Common Pleas Appeal No. 2024-CP-09-00151

SUPPLEMENTAL MAGISTRATE COURT RETURN

ATTACHMENT 4:

Order Finding Defendant Has Right To Self-Representation,
dated August 12, 2024

STATE OF SOUTH CAROLINA)	IN THE MAGISTRATE COURT
)	Case No. 2024A091010025, -26
STATE OF SOUTH CAROLINA)	
)	ORDER FINDING DEFENDANT HAS
VS.)	RIGHT TO SELF-REPRESENTATION
)	
<u>SHANEEKA STROMAN, Defendant</u>)	

This matter was heard on August 9, 2024, and the court GRANTS defendant’s *pro se* Motion and right to self-representation finding that her waiver of the right to counsel to be knowingly, intelligently and voluntarily made. The court makes the following findings of fact and conclusions of law.

Defendant is present along with her court appointed attorney Thomas Sims. Present for the State is Calhoun County Sheriff Office (CCSO) Inv. Roger Carter. Neither defendant nor her attorney Sims requested an *in camera* hearing, and nothing confidential was discussed nor elicited by the court. This Order is issued pursuant to *Faretta v. California*, 422 U.S. 806 (1975); *Argersinger v. Hamlin*, 407 U.S. 25 (1972); *Alabama v. Shelton*, 535 U.S. 654 (2002); *State v. Samuel*, 422 S.C. 596, 813 S.E.2d 487 (2018), *State v. Rivera*, 402 S.C. 225, 741 S.E.2d 694 (2013); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002). U.S. Const. Amend. 6; S.C. Const. Art. I sec. 14. S.C. Code sec. 17-3-5 et.seq.; and other applicable law.

On February 8, 2024, defendant was charged with Trespass against real property and Harassment-2nd degree from an incident arising on or about September 21, 2023. On February 8, 2024, defendant appeared in Bond Court, was informed of her *Faretta* rights, 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 civil case.

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 due to this court’s concern that defendant was attempting to engage in “hybrid representation” where she had court appointed counsel but filed her own *pro se* motions for dismissal of the charges. *See Rivera, supra.*; *Jones, supra.* (hybrid representation not allowed). At the July 25th hearing, the court again reviewed in detail with defendant her *Faretta* rights. She chose at that time to continue with attorney Sims as counsel. This court issued a written Order dated July 26, 2024, continuing attorney Sims’ appointment.

Then on August 5, 2024, defendant filed a *pro se* Motion asking to represent herself. This court held this hearing on August 9th to again review with defendant her *Faretta* rights. The court reminded defendant that there was no right to hybrid representation, but that defendant had an absolute right to either represent herself or to have counsel.

At this hearing the court made inquiry of defendant to determine whether she was able to "...clearly and unequivocally assert (her) desire to proceed *pro se*..." and that her request is "...made knowingly, intelligently, and voluntarily." *Samuel*, 422 S.C. at 602, 813 S.E.2d at 491. This court finds defendant clearly and unequivocally asserted her desire and right to represent herself, and that she does so knowingly, intelligently, and voluntarily.

This court warned her of the dangers of self-representation, but she repeatedly stated she understood the dangers and pitfalls but wanted to represent herself in this case and at trial. The court informed defendant she would be required to follow the rules of evidence and procedure at trial; know how and when to make objections and motions; how to preserve issues for appeal if necessary; know how to present any legal or factual defenses at trial; how to properly present witness testimony and evidence; and there may be other consequences if she is found guilty that a lawyer could advise and inform her about that she may not know. She was informed of the penalties in this case if she is convicted and that they each carry up to thirty days in jail or a fine of up to \$500 each for a potential total of sixty days in jail or a fine of \$1,000. Defendant affirmed at each and every step that she understood the pitfalls if she represented herself, but that she felt confident and able to do so, and definitely wanted to represent herself. The court further informed her that she may not be aware of – or may misinterpret the meaning or application of – various statutes or case law that could be beneficial to her defenses or motions or issues that she wanted to raise, and that an attorney could provide legal advice and assistance in that regard. Defendant stated she was aware of that and that she had the statutes and laws that she believed were applicable to her case.

The defendant informed the court as follows. She is 38 years old. She has her High School diploma from A.C. Flora High School in Richland County. She completed a two year course at Bryant & Stratton College in Buffalo, N.Y., receiving a Legal Assistant degree. She attended online courses at Regent University for the Fall 2023 semester but had to withdraw before completing the course schedule due to the charges in this case. She is employed as a substitute teacher for all grade levels with Lexington School District Two. She also works at Food lion in the bakery and deli department. She is the mother of six children, two of whom are now adults. She and her partner own their own home in the Swansea area of Lexington County with no mortgage. She has represented herself in multiple cases in state court. This includes a case in which she filed her own civil pleadings in the Calhoun County Court of Common Pleas [#2023-CP-09-00171]; and after an Order of Dismissal in that case, she has filed and represented herself in the S.C. Court of Appeals [2024-000195]. The facts in that civil case are related to these charges here.

Defendant's demeanor and presentation in court was at all times polite and professional. She occasionally spoke directly to CCSO Inv. Carter, seated at the opposite table in this court hearing, and

the court redirected her to speak to this judge, which she did. Defendant had a large folder of various hand-written materials and copies of various statutes which she used and referred to during this court hearing. So defendant came prepared to the hearing to present her desire and intent to represent herself. She does not appear to suffer from any mental disease or defect which would impair her decision to represent herself and waive counsel.

This court's inquiry is not to determine whether defendant is competent to represent herself; but rather the inquiry is whether "the competence to *waive the right*" to counsel is knowing, intelligent, and voluntary. *Samuel*, 422 S.C. at 603, 813 S.E.2d at 491 (emphasis in original). This court finds and concludes that defendant has clearly and unequivocally expressed her desire to represent herself and that she is competent to waive her right to counsel, and does so in a knowing, intelligent, and voluntary manner.

At no time during this hearing did she equivocate or hesitate in stating her desire to represent herself. She stated very plainly knowledge of the facts in her own case, the issues that are important to her, and that she intently wants to present her case and motions herself. Attorney Sims was in the courtroom during the entire hearing on the issue of self-representation, seated just a few feet behind the defendant. At no time did she turn to ask him any legal advice or ask him anything at all. She further declined this court's offer to have attorney Sims serve as standby counsel during trial and that she did not need him for any legal advice prior to or during trial. At no time did this court pressure or try to coerce her into either accepting appointed counsel or dissuading her from her right of self-representation.

Therefore, this court finds and concludes that defendant has knowingly, intelligently, and voluntarily waived her right to have counsel represent her, and has clearly and unequivocally stated to this court her intent and desire to represent herself from this date and throughout the trial. She has received *Faretta* warnings and information on three separate occasions in court. She knows her rights, is intelligent in the articulation of her rights, and is wholly voluntary in her right to represent herself.

IT IS THEREFORE ORDERED that defendant's *pro se* Motion to represent herself and waive her right to counsel is GRANTED, and that she has knowingly, intelligently, and voluntarily waived her right to counsel, and exercises her constitutional right to represent herself.

IT IS FURTHER ORDERED that attorney Thomas Sims is relieved of any representation of the defendant in this case.

AND IT IS SO ORDERED.

August 12, 2024
St. Matthews Magistrate Court
2811 Old Belleville Rd., St. Matthews SC 29135
Tele. 803-874-1112


Magistrate Court Judge -- Jeffrey P Bloom

ATTACHMENT “D”

Shaneeka Stroman
PLAINTIFF(S)

State of South Carolina
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (*CHECK REASON*):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (*CHECK REASON*):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (*CHECK APPLICABLE BOX*):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the court on Appeal from the Magistrate Court. The Court finds that this appeal is interlocutory and this matter is respectfully dismissed without prejudice and is remanded to the Magistrate Court for trial.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/25/2024 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Calhoun Common Pleas

Case Caption: Shaneeka Stroman VS State of South Carolina

Case Number: 2024CP0900151

Type: Order/Electronic Form 4

So Ordered

s/ Maite Murphy 2166

Electronically signed on 2024-12-02 09:56:19 page 3 of 3

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Calhoun County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2024-002077

THE STATE,

Respondent,

vs.

SHANEEKA STROMAN,

Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion to Dismiss Appeal on Appellant by mailing a copy to:

Shaneeke Stroman
335 Horses Neck Rd.
Swansea, South Carolina 29160

I further certify that all parties required by Rule to be served have been served.
This 3rd day of March, 2025.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General