

State of South Carolina, County of Newberry
In the Court of Common Pleas, Eighth Judicial Circuit

Sheena Paige,
Appellant,
vs.
State of South Carolina,
Respondent.

Case No. 2026-CP-36-00158

Order **Affirming** Convictions for City
Ordinances & **Reversing** Conviction
for Misuse of 911
(S.C. Code Ann. § 23-47-80)

Date of Hearing May 26, 2026

Appellant's Attorney *pro se*

Defendant's Attorney Whitney Taylor

Court Reporter DCRP

Presiding Judge Jane H. Merrill

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SC Court of Appeals

For the reasons stated herein, Appellant's convictions for two municipal ordinances, failure to leave premises of another on request and resisting a city officer are **AFFIRMED**, and Appellant's conviction for Misuse of 911 is **REVERSED**.

Procedural History

On March 9, 2026, after a municipal court bench trial, the court convicted Appellant for Misuse of 911 codified in S.C. Code section 23-47-80 (1976, as amended) and violating two city ordinances, Newberry Municipal Code Section 11-15, Failure to leave premises of another on request and Section 11-9, Resisting city officers or employees. After finding Appellant guilty on all offenses, the court fined Appellant \$500.00 for each conviction. Appellant served a notice of appeal March 30, 2026.

"Any party shall have the right to appeal from the sentence or judgment of the municipal court to the Court of Common Pleas of the county in which the trial is held. Notice of intention to appeal, setting forth the grounds for appeal, must be given in writing and served on the municipal judge or the clerk of the municipal court within ten

days after sentence is passed or judgment rendered, or the appeal is considered waived." S.C. Code Ann. § 14-25-95 (1976, as amended).

Appellant filed and served her appeal more than ten days after the sentence was imposed. The Appellant reports a municipal court employee instructed Appellant must wait for the written judgment before filing an appeal. The written dispositions sent to Appellant were printed March 25, 2026; Appellant filed and served her appeal within ten days of receiving the written dispositions. Considering the rule of lenity and the word "or" between the clauses that an appeal must be filed "ten days after sentence is passed **or** judgment rendered," the court finds the appeal was timely served and decides the appeal on the merits. S.C. Code Ann. § 14-25-95 (1976, as amended).

"In criminal appeals from municipal court, the circuit court does not conduct a *de novo* review." *City of Rock Hill v. Suchenski*, 374 S.C. 12, 15, 646 S.E.2d 879, 880 (2007). "In criminal cases, the appellate court reviews errors of law only." *State v. Vinson*, 400 S.C. 347, 351, 734 S.E.2d 182, 184 (Ct. App. 2012).

Failure to File Written Orders

The Appellant alleges the lower court erred by failing to issue written rulings on Appellant's motions. Appellant provided no authority that a municipal court must issue written orders. Without binding authority to support Appellant's argument, the court finds it without merit.

Disregard of Prior Appellant Decision

Appellant alleges that during her 2026 trial, the lower court failed to consider the court's November 13, 2024, order reversing and remanding Appellant's convictions for the same tickets (case number 2023CP3600545). The 2024 appellate court found Appellant's right to confrontation was violated because no Walmart employee testified. As such, Appellant could not challenge "the core evidence prompting law enforcement's involvement, leading to her arrest and citations."

In the current appeal, Appellant alleges no new evidence was presented at the 2026 trial, although Appellant cross examined a Walmart employee that testified.¹ (Audio Recording of Trial). The trial court properly considered the 2024 order and ensured Appellant's right to confrontation was protected during the 2026 trial.

Appellant alleges error because no parking citation was issued before her arrest for the other three offenses. Appellant cites no legal authority requiring a parking citation be issued before the State could charge her with other offenses. Without binding authority to support Appellant's argument, the court finds it without merit.

Procedural Irregularities and Repeated Prosecutions

Appellant's first conviction was reversed on appeal as discussed above. After or during her second trial, Appellant alleged juror misconduct, and the court granted Appellant's motion for a mistrial. There was evidence of "possible juror bias," but the municipal court gave Appellant "the benefit of the doubt" and granted her mistrial motion. (Audio Recording of Hearing). The grant of a mistrial with equivocal evidence demonstrates the court ensured Appellant received a fair trial.

The lower court properly found double jeopardy did not attach, and a third trial was proper. Appellant specifically requested a bench trial and cannot now allege a bench trial was error when she received the type of trial she wanted and received.

Appellant argues "[t]he repeated prosecution under these circumstances raises concerns of fairness, due process, and potential prejudice" without citing any authority. There is no error of law, and the court declines to grant relief on this basis.

¹ The crux of the 2024 reversal and remand is that no Walmart employee testified which violated Appellant's right of confrontation. The court finds the 2024 order valid. Appellant did not explain why her present assertion directly contradicts that order.

Improper Bench Trial Determination

Appellant argues the trial court ignored evidence favorable to her. Appellant argues two state witnesses, the Walmart employee and police officer, agreed Appellant did not break a parking law, and the judge ignored this evidence. However, breaking a "parking law" is not a prerequisite for the state to charge or the court to find one guilty of violating the city ordinances cited below.

"It shall be unlawful for any person requested to leave the premises of another or the house wherein any one or more persons shall conduct business, except offices of public officers, within the city, to refuse to do so." Newberry Municipal Code Sec. 11-15, Failure to leave premises of another on request.

"It shall be unlawful for any person to resist, obstruct, abuse or interfere with any officer or employee of the city in the discharge of such officer's or employee's duty, by word, act or otherwise, or to aid or abet any person in resisting or obstructing any officer or employee of the city in the discharge of such duty." Newberry Municipal Code Sec. 11-9, Obstructing, abusing, etc. city officers or employees.

As to the failure to leave premises on request, the record evidences the Walmart employee attempted to tell Appellant to move her car to a different space, and then later to leave the premises, but Appellant ignored her. Appellant cannot cite lack of notice when Appellant purposefully ignored the employee's communication. Thereafter, the police officer told Appellant to leave after she ignored the employee's initial request. (Audio Recording of Hearing, 23:10 through 1:40:09). As to the resisting arrest ordinance, there is sufficient evidence in the record, including testimony of the police officer and the body camera video, to support the conviction. (Audio Recording of Hearing and Exhibit).

Appellant's argument the court did not consider that the Walmart employee witness knows the difference between policy and law is irrelevant to the court's verdict supported by sufficient evidence.

Under the applicable standard of review, the court finds there is sufficient evidence to support the two convictions of the municipal ordinances. As such, the court AFFIRMS these two convictions. The third conviction will be addressed below.

General Due Process Violations

Appellant argues the “cumulative effect” of the lower court’s errors deprived her of a fair trial. Appellant provides no binding authority to support this argument, and the court finds it without merit.

Lack of Jurisdiction to Hear Misuse of 911 in Municipal Court

The court, *sua sponte*, determines whether the municipal court had subject matter jurisdiction to hear the misuse of 911 charge. Lack of subject matter jurisdiction can be raised at any time, including for the first time on appeal, and *sua sponte* by the court. *State v. Guthrie*, 352 S.C. 103, 107, 572 S.E.2d 309, 311 (Ct. App. 2002).

“Each municipal court shall have jurisdiction to try all cases arising under the ordinances of the municipality for which established. The court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates.” S.C. Code Ann. § 14-25-45 (1976, as amended). “Magistrates have jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding five hundred dollars, or imprisonment not exceeding thirty days, or both.” S.C. Code Ann. § 22-3-550 (1976, as amended).²

A “person who violates the provisions of [misusing 911] is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than six months or fined not more than two hundred dollars, or both.” S.C. Code Ann. § 23-47-80 (1976, as amended).³

² There are some limited exceptions, but none apply and do not warrant discussion.

³ If Newberry has an ordinance for misusing 911, it was not the basis for this conviction as only the state statute was cited on the Newberry Municipal Court’s disposition.

The municipal court lacks jurisdiction to hear a criminal case in which the penalty is greater than thirty days. S.C. Code Ann. §§ 14-25-45 and 22-3-550. The lower court did not have subject matter jurisdiction, and therefore, the conviction for Misuse of 911 is REVERSED.

It is so ordered.

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Newberry Common Pleas

Case Caption: Sheena Paige VS State Of South Carolina
Case Number: 2026CP3600158
Type: Order/Other

It is so ordered.

s/ Jane H. Merrill