

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2026CP4201706

Sylecia McIntyre
PLAINTIFF(S)

The State Of Sc
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:

See Statement of Judgment Below.

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 07/31/2026 .

Sylecia McIntyre for Sylecia McIntyre
Sylecia McIntyre for Sylecia McIntyre

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-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.

This matter came before the Court as a SCRPC Rule 59(e) Motion to Amend or Alter Judgment. The Appellant wishes this Court to review its prior decision, which denied her request to set aside a jury verdict finding her guilty of Driving Under Suspension. She desires her conviction set aside so that she can have a new trial. After once again reviewing the information provided and considering the standard of review the legislature requires this Court to apply to criminal appeals from magistrate court trial convictions, her request to set aside the jury's verdict cannot be granted.

In South Carolina, the circuit court's appellate role in criminal cases originating in magistrate court is expressly limited by statute. S.C. Code Ann. § 18-3-70 provides that the appeal must be heard by the Court of Common Pleas upon the grounds of exceptions made and upon the papers required under the chapter, without the examination of witnesses in that court. This statutory framework confirms that the circuit court does not retry the case or hear new testimony; it reviews the record as it existed below. South Carolina courts have consistently applied this principle. In criminal appeals from magistrate or municipal court, the circuit court does not conduct a de novo review. Instead, it reviews for preserved error raised to it by appropriate exception, *State v. Henderson*, 347 S.C. 455, 556 S.E.2d 691 (Ct. App. 2001). This standard has been applied directly in DUS and DUI cases originating from magistrate court jury trials. *State v. Bailey*, 368 S.C. 39, 626 S.E.2d 898 (Ct. App. 2006); *State v. Williams*, 417 S.C. 209, 789 S.E.2d 582 (Ct. App. 2016).

As referenced in the prior Order, according to the Magistrate's Return, DMV records at the time of trial indicated Appellant's license was suspended at the time of her arrest. The Magistrate also stated that Appellant did not present evidence to the jury to counter the testimony of the officer who testified at trial. Appellant acknowledged during the initial hearing before this Court that she did offer evidence to counter the officer's statements, and no documents were presented to the trial judge or to the jury. The standard of review requires that this Court cannot set aside a jury verdict on appeal.

As the record of the prior hearing before this Court reflects, the Appellant was strongly encouraged to seek the advice of an attorney. At the present hearing, this Court continued to encourage her to seek the advice of an attorney. This Court, once again, encourages her to seek the advice of an attorney. One of the reasons for this Court's strong words about the need to seek the advice from an attorney is that they may direct her to explore possible administrative remedies, an attorney may direct her back to the trial court where they may present new evidence, an attorney may engage the solicitor to review the evidence independently and not through an appellate lens, an attorney may advise her to appeal this Court's decision; in other words, an attorney may explore her rights and how best to achieve her objective.

This Court appreciates the advocacy of both parties. Even though Appellant's pro se status is raised for the first time on appeal, this Court has taken her pro se status into account in reviewing the record of this case. While this Court is more flexible with pro se litigants, due process does not allow this Court to deviate from the standard of review mandated by the legislature for criminal matters on appeal.

Therefore, the Motion to Amend or Alter is denied.

AND IT IS SO ORDERED.



Spartanburg Common Pleas

Case Caption: Sylecia McIntyre VS The State Of Sc
Case Number: 2026CP4201706
Type: Order/Electronic Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132