

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
The Honorable J. Mark Hayes, II, Circuit Court Judge

**Circuit Court Case No. 2026CP4201706
Appellate Case No. 2026-001598**

Sylecia McIntyre,
Appellant,

v.

The State of South Carolina,
Respondent.

**APPELLANT'S REPLY TO RESPONDENT'S RETURN TO EMERGENCY MOTION
FOR SUPERSEDEAS AND STAY AND MEMORANDUM OF AUTHORITIES**

Appellant Sylecia McIntyre, appearing pro se, respectfully submits this Reply pursuant to Rule 240(f), SCACR, in response to Respondent's Return dated August 11, 2026.

Respondent advances two principal grounds for denying Appellant's Emergency Motion for Supersedeas and Stay: first, that Appellant should have pursued an ordinary notice of appeal pursuant to Rule 203, SCACR, rather than filing the accompanying petition for writ of certiorari designated under Rule 242; and second, that Appellant's payment of the \$647.50 fine on July 23, 2026 rendered the requested stay moot.

Neither contention supports denial of the motion in its entirety.

Respondent's procedural argument conflates the accompanying petition for writ of certiorari with the separate emergency relief sought by Appellant on July 21, 2026. Respondent's own Return expressly acknowledges that, through her Emergency Motion, Appellant sought an order "pursuant to Rule 245" staying execution of the fine and threatened contempt or incarceration. At that time, Appellant's timely Rule 59(e) motion remained unresolved in the Circuit Court, the time for ordinary further appeal was stayed, and enforcement proceedings were occurring in the Magistrate Court before entry of the Circuit Court's August 3, 2026 disposition.

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SC Court of Appeals

Further, payment of the monetary fine did not eliminate the continuing legal consequences of the conviction. An official South Carolina Department of Motor Vehicles notice expressly based upon this conviction imposed a separate suspension of Appellant's driving privileges beginning August 4, 2026 and continuing through November 4, 2026. The suspension was therefore active when Respondent submitted its August 11 Return.

Appellant respectfully requests that this Court reject Respondent's request to treat the Emergency Motion as wholly moot and grant such stay or supersedeas relief as remains available pending final appellate review.

I. RESPONDENT'S RULE 203 ARGUMENT DOES NOT DEFEAT THE JULY 21 EMERGENCY MOTION.

A. Respondent's own Return recognizes that the Emergency Motion sought Rule 245 relief.

Respondent begins its Return by accurately recognizing that Appellant filed an "Emergency Motion for Supersedeas and Stay" on July 21, 2026 and that, through that motion, Appellant requested an order pursuant to Rule 245, SCACR.

Respondent then shifts from the Emergency Motion to the accompanying petition for writ of certiorari, which was designated under Rule 242, and argues that Appellant instead should have pursued an ordinary notice of appeal under Rule 203.

Those are distinct procedural questions.

Rule 245(a), SCACR, expressly recognizes the Supreme Court's original jurisdiction where "special grounds of emergency or other good reasons exist" for immediate intervention. Rule 245(b) governs extraordinary writs sought in that original jurisdiction and incorporates the motion procedures of Rule 240.

The circumstances presented to the Supreme Court on July 21 were expressly emergency circumstances. Appellant alleged that enforcement was occurring in the Magistrate Court while her post-judgment motion remained unresolved in the Circuit Court. Her filing described the July 20 proceeding, threatened incarceration, the absence of an entered Circuit Court disposition, and the need for immediate protection of her appellate rights. The petition requested that the Court "stay all enforcement pending review."

Thus, Respondent's challenge to the Rule 242 designation appearing on the accompanying certiorari petition does not establish that the contemporaneous Rule 245 emergency request was procedurally unavailable or that an ordinary Rule 203 appeal would have supplied the immediate relief sought on July 21.

B. Rule 203 expressly stayed the ordinary appeal period while Appellant's Rule 59(e) motion remained unresolved.

Respondent's argument also overlooks the express language of Rule 203(b)(1), SCACR.

Rule 203(b)(1) provides that when a timely Rule 59 motion to alter or amend has been made, "the time for appeal for all parties shall be stayed" and runs from receipt of written notice of entry of the order granting or denying that motion.

Rule 59(f), SCRCP, likewise provides that a timely Rule 59 motion stays the time for appeal and that the trial judge retains jurisdiction to hear and dispose of the motion.

The South Carolina Supreme Court has applied these provisions in criminal proceedings and recognized that the time for appeal remains stayed until disposition of a timely Rule 59 motion. *State v. Cooper*, 334 S.C. 540, 514 S.E.2d 584 (1999).

That was precisely the posture on July 21, 2026.

Appellant's Rule 59(e) motion remained pending. The Circuit Court did not electronically enter its written disposition denying that motion until August 3, 2026. Appellant therefore could not, on July 21, seek ordinary appellate review of an August 3 disposition that had not yet been entered.

More importantly, an ordinary notice of appeal under Rule 203 would not itself have answered the immediate emergency presented to the Supreme Court: ongoing enforcement activity occurring before disposition of the pending Rule 59(e) motion.

Once the Circuit Court entered its August 3 disposition and Appellant received written notice of entry, Appellant pursued the ordinary appellate route. On August 7, 2026, Appellant filed her corrected Form 1 Notice of Appeal identifying both

the June 15, 2026 order affirming the Magistrate Court judgment and the August 3, 2026 order denying her Rule 59(e) motion.

Accordingly, Respondent's suggestion that Rule 203 provided the exclusive procedural answer on July 21 does not account for the actual timing or purpose of Appellant's emergency filing.

C. White v. State does not resolve the distinct emergency-stay issue presented here.

Respondent cites *White v. State*, 263 S.C. 110, 119, 208 S.E.2d 35, 39 (1974), for the general proposition that an appellate court lacks jurisdiction over an ordinary appeal where no timely notice of appeal has been served.

White involved an attempted belated direct appeal where no notice of appeal had been filed. It does not hold that a litigant may not seek extraordinary emergency relief while a timely post-judgment motion remains unresolved and the ordinary appellate period is stayed pursuant to Rule 203(b)(1) and Rule 59(f).

Nor is this presently a case in which Appellant has failed to file a notice of appeal. Following entry of the August 3 Rule 59(e) disposition, Appellant filed her corrected Notice of Appeal on August 7, 2026.

Accordingly, *White* does not require denial of the pending Emergency Motion.

II. PAYMENT OF THE \$647.50 FINE DID NOT RENDER THE ENTIRE EMERGENCY REQUEST MOOT.

A. Appellant sought emergency relief before the payment occurred.

Respondent relies upon a Magistrate Court receipt showing payment of \$647.50 on July 23, 2026.

That document establishes that payment occurred **after** Appellant sought emergency appellate relief on July 21, 2026.

The timing matters.

When Appellant sought the stay, the threatened enforcement had not been resolved by payment. Appellant's July 21 filing sought protection against continued enforcement, contempt, and incarceration while review remained pending. The

accompanying petition further requested a stay of “all enforcement pending review.”

The later payment of one monetary component therefore does not retroactively eliminate the controversy that existed when emergency relief was sought, nor does it establish that no prospective legal consequence remains.

B. SCDMV is presently enforcing a separate consequence expressly based upon the challenged conviction.

Respondent’s mootness argument is independently contradicted by an official SCDMV notice.

The SCDMV Official Notice is dated July 20, 2026 and expressly states:

“REASON: You have been convicted of the offense listed below.”

The notice identifies the same Driving Under Suspension conviction, section 56-1-460, violation date January 6, 2026, conviction date April 14, 2026, and Ticket No. 20262581000361.

The notice then imposes a separate suspension of Appellant’s driving privileges beginning at 12:01 a.m. on August 4, 2026 and continuing through midnight on November 4, 2026.

See Exhibit A.

Thus, when Respondent filed its Return on August 11, 2026, the challenged conviction was actively producing a continuing governmental consequence.

Payment of the \$647.50 fine did not remove that consequence.

C. Respondent’s own authority demonstrates that the controversy is not wholly moot.

Respondent relies upon *State v. Green*, 337 S.C. 67, 71, 522 S.E.2d 602, 604 (Ct. App. 1999).

But *Green* does not support the broad mootness result Respondent requests.

Green explains that a criminal matter is moot only where there is no possibility that legal consequences remain and expressly recognizes that conviction itself constitutes a legal consequence.

Here, the continuing consequences are not speculative. SCDMV has issued an official notice imposing an active driver's-license suspension expressly because of the conviction presently under appellate review.

South Carolina precedent further recognizes that completion of a sentence or other punishment does not necessarily render appellate review moot when collateral consequences of the conviction remain. *State v. Passmore*, 363 S.C. 568, 611 S.E.2d 273 (Ct. App. 2005). In *Passmore*, the Court recognized continuing consequences affecting matters including employment, credit, driving privileges, and the continuing stigma arising from a conviction.

Appellant's circumstances are stronger than a merely hypothetical possibility of future consequences because Exhibit A documents a present SCDMV suspension attributable to this specific conviction.

Accordingly, Respondent has not established that a ruling by this Court could have "no practical effect" upon the existing controversy.

D. At most, payment affects only the already-satisfied monetary component.

If this Court concludes that prospective collection of the \$647.50 can no longer itself be stayed because that amount has already been paid, Appellant respectfully submits that such a conclusion should be limited to that discrete component.

Satisfaction of the fine does not establish mootness of:

1. the conviction itself;
2. the continuing SCDMV suspension arising from the conviction;
3. other continuing legal consequences of the conviction;
4. Appellant's pending direct appeal; or
5. such prospective stay relief as remains available pending appellate disposition.

The Court should therefore decline Respondent's request to characterize Appellant's emergency request as wholly moot.

III. RULE 246 CONFIRMS THAT APPELLATE STAY PROTECTION IS EXPRESSLY CONTEMPLATED IN CRIMINAL CASES.

Rule 246, SCACR, is directly relevant to the nature of the relief Appellant sought.

Rule 246(a) expressly provides for a stay of execution of a criminal sentence during appeal, subject to the separate statutory requirements applicable to confinement.

Rule 246(b) further contemplates appellate-court stay relief following affirmance of a criminal sentence and provides that such relief may be sought by motion pursuant to Rule 240.

Rule 240 itself expressly identifies petitions for supersedeas among the motions and petitions governed by that rule.

Appellant therefore did not seek a form of relief foreign to South Carolina appellate procedure. Her July 21 filing sought emergency appellate protection against execution and enforcement while the underlying conviction remained contested and post-judgment proceedings had not concluded.

Appellant does not contend in this Reply that Rule 246, standing alone, automatically determines the legal effect of every subsequent administrative action arising from the conviction. Rather, Rule 246 confirms that preservation of the status quo through appellate stay relief is a recognized mechanism in South Carolina criminal appellate practice.

That mechanism continues to have practical significance where, as here, an official SCDMV consequence remains operative.

IV. THE MAGISTRATE'S RETURN CONFIRMS THAT THE UNDERLYING CONSTITUTIONAL CONTROVERSY REMAINS ACTIVE.

Appellant also submits the Magistrate's Return as Exhibit B, not for adjudication of the ultimate Fourth Amendment issue within this procedural Reply, but to demonstrate that the underlying controversy remains concrete and unresolved.

The Magistrate's Return states:

“The State presented evidence of a traffic stop for No Tag Light and Failure to Give Proper Signal.”

The Return then states that the SCDMV inquiry and Driving Under Suspension charge arose during that traffic stop.

Respondent’s own enclosures to its August 11 Return include Uniform Traffic Tickets for Driving Under Suspension and Failure to Give Proper Signal. Respondent does not attach a Uniform Traffic Ticket for the “No Tag Light” violation expressly identified in the Magistrate’s Return as a basis for the traffic stop.

A traffic stop constitutes a seizure within the meaning of the Fourth Amendment. *Whren v. United States*, 517 U.S. 806, 809–10 (1996).

Whether the initiating seizure was constitutionally supported by the facts and evidence presented below remains among the issues Appellant seeks to preserve for appellate review. The absence of a separate tag-light citation is not presented here as a request for this Court to decide the ultimate Fourth Amendment merits within the stay proceeding. Rather, the Return is submitted because it demonstrates that the legality of the seizure underlying the conviction remains genuinely contested and that payment of the monetary fine did not transform the controversy into an academic dispute.

The Magistrate’s Return is particularly relevant because the Circuit Court’s August 3 order expressly relied upon the Magistrate’s Return when denying Appellant’s Rule 59(e) motion.

See Exhibits B and D.

V. THE DOCUMENTED ENFORCEMENT CHRONOLOGY FURTHER REBUTS RESPONDENT’S CHARACTERIZATION OF THE CONTROVERSY AS MOOT.

The Magistrate Court’s public case index reflects the following events:

- July 20, 2026 — Traffic Court with Summons;
- July 22, 2026 — Commitment Order Issued;
- July 22, 2026 — Scheduled Time Payment activity.

See Exhibit C.

Appellant sought emergency appellate relief on July 21, between the July 20 proceeding and the July 22 commitment entry.

Respondent's own receipt then reflects payment of \$647.50 on July 23.

The Circuit Court's written disposition of Appellant's Rule 59(e) motion was not electronically entered until August 3, 2026.

See Exhibit D.

This chronology demonstrates why Appellant sought emergency rather than merely ordinary appellate relief on July 21. Enforcement events were occurring before the pending post-judgment proceeding had resulted in an entered disposition from which the ordinary appellate process could fully proceed.

The subsequent payment of the fine does not erase that procedural history, nor does it eliminate the present legal consequences documented by SCDMV.

CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Appellant respectfully requests that this Court:

1. **DENY** Respondent's request to treat Appellant's Emergency Motion for Supersedeas and Stay as wholly moot;
2. **REJECT** Respondent's contention that Rule 203 supplied the exclusive procedural answer to the emergency circumstances existing on July 21, 2026, where Appellant's Rule 59(e) motion remained unresolved and the ordinary appellate period was stayed;
3. **RECOGNIZE** that Respondent's own Return identifies Appellant's Emergency Motion as seeking relief pursuant to Rule 245, separate from Respondent's challenge to the Rule 242 designation appearing on the accompanying certiorari petition;
4. **FIND** that payment of the \$647.50 fine did not eliminate the continuing legal consequences of the conviction, including the SCDMV suspension presently imposed through November 4, 2026;
5. **GRANT** such stay, supersedeas, or other protective relief under Rules 240 and 246, SCACR, as this Court determines remains legally available and

appropriate to preserve the status quo pending final disposition of Appellant's appeal;

6. **Alternatively**, if the Court determines that the monetary-collection component of the Emergency Motion has been overtaken by payment, **LIMIT** any finding of mootness to that discrete component and decline to extend mootness to the remaining requested relief, continuing consequences, or underlying appeal; and
7. **GRANT** such other and further relief as the Court considers just and proper.

Respectfully submitted,



Sylecia McIntyre

Appellant, Pro Se

1855 E. Main St., Ste. 14-219

Spartanburg, South Carolina 29307

(864) 788-3274

syleciamcintyre@gmail.com

Date: August 13, 2026

EXHIBITS SUBMITTED PURSUANT TO RULE 240(c)(3) AND (f), SCACR

Exhibit A

South Carolina Department of Motor Vehicles Official Notice dated July 20, 2026, reflecting conviction-based suspension beginning August 4, 2026 and ending November 4, 2026.

Exhibit B

Magistrate's Return in State of South Carolina v. Sylecia McIntyre, Magistrate Case No. 20262581000361, identifying the asserted traffic stop as "No Tag Light and Failure to Give Proper Signal."

Exhibit C

South Carolina Judicial Branch Magistrate Court public-index case actions reflecting the July 20, 2026 Traffic Court proceeding, July 22, 2026 Commitment Order Issued, and related payment scheduling.

Exhibit D

Circuit Court Order entered August 3, 2026 denying Appellant's Rule 59(e) Motion to Alter or Amend Judgment, Circuit Court Case No. 2026CP4201706.

Exhibit A

Henry McMaster
Governor



State of South Carolina
Department of Motor Vehicles

Kevin A. Shwedo
Executive Director

07/20/2026

MCINTYRE, SYLECIA TYREESE
1855 E MAIN ST STE 14
SPARTANBURG, SC 29307-2326

CUSTOMER NO: 31489441
FILE NO: 38471784
DL NO: 101448693

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: You have been convicted of the offense listed below.

SECTION OF LAW: 56-01-0460

VIOL DATE	CONV DATE	TICKET#	VIOL DESCR
01/06/2026	04/14/2026	20262581000361	Driving Under Suspension

BEGINNING DATE: 12:01 AM 08/04/2026 ENDING DATE: MIDNIGHT 11/04/2026

SPECIAL DRIVING PRIVILEGES:

If your violation date is on or after 1/1/11, the following may apply. You may be eligible for a route restricted license if you are a licensed driver, a US Citizen, have a job, attend ADSAP, attend a court-ordered drug program or are enrolled in a college or university. This license allows you to drive non-commercial motor vehicles on a specific route at a certain time during this suspension period. Complete the enclosed application and return it to the DMV Customer Service Office at 1630 Shop Road, Columbia, SC or mail it to Driver Records, PO Box 1498, Blythewood, SC 29016-0028. There is a \$100.00 fee for this license. Incomplete applications will be returned. If you do not receive special driving privileges, the suspension will become effective on the date indicated above and you must surrender your driver's license to your local DMV Office. If you are holding a valid license from another state, you may make application for a route restricted license without surrendering your out-of-state license to the SCDMV. If approved, this credential must be kept in your possession with the out-of-state license during the suspension period.

FINANCIAL RESPONSIBILITY:

You must do one of the following for 3 years from the ending date listed above:

1. have your insurance agent file a Certificate of Insurance (SR-22), or
2. deposit \$40,000 per motor vehicle with SC State Treasurer's Office, or
3. have a surety company issue a bond for you.

REINSTATEMENT FEE:

You must pay a \$100.00 reinstatement fee. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

Tests:

You must successfully complete the vision test.

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

If you have not already turned in your license, you must return it to Driver Records or your local DMV office.

Driver Records Manager

Post Office Box 1498, Blythewood, South Carolina 29016

000034

Exhibit B

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE MAGISTRATE COURT
SEVENTH JUDICIAL CIRCUIT

State of South Carolina

Magistrate's Return

vs.

Case No. 20262581000361
Driving Under Suspension

Sylecia McIntyre

2026 CP 421706

This case was brought before the Court for Jury Trial on April 14, 2026, for Driving Under Suspension. The State presented evidence of a traffic stop for No Tag Light and Failure to Give Proper Signal. During the stop, Defendant was asked and could not provide a South Carolina Driver's License. A check with SCDMV records discovered the Defendant was under suspension. The Officer issued a traffic ticket for Driving Under Suspension. During trial, the officer testified under oath to the Jury that the Defendant was under suspension at the time of the traffic stop and was currently still under suspension. The Defendant did not offer any evidence to the contrary. The case was decided by the Jury and a verdict of Guilty was rendered.

FILED
2026 APR 15 PM 4:16
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

Respectfully submitted this 15th day of April, 2026

Q. Michael Wood

Q. Michael Wood, Presiding Judge

[Spartanburg County Home Page](#)[South Carolina Judicial Department Home Page](#)[SC.GOV Home Page](#)

Switch View

The State of South Carolina VS Sylecia McIntyre

Case Number:	20262581000361	Court Agency:	Spartanburg Magistrate	Filed Date:	02/18/2026
Case Type:	Traffic	Case Sub Type:	Traffic		
Status:	Disposed	Assigned Judge:	Wood, Quenton Michael	Disposition Judge:	Wood, Quenton Michael
Disposition:	Guilty Jury Trial				
Disposition Date:	04/14/2026	Date Received:		Arrest Date:	01/06/2026
Law Enf. Case:	26-163	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:		Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions

Financials Bonds

Name	Description	Type	Motion Roster	Begin Date	Completion Date	Document
McIntyre, Sylecia	Scheduled Time Payment	Action		07/22/2026-00:00	07/30/2026-00:00	
McIntyre, Sylecia	Commitment Order Issued	Filing		07/22/2026-00:00		
McIntyre, Sylecia	Traffic Court with Summons	Event		07/20/2026-09:00	04/14/2026-22:00	
McIntyre, Sylecia	Archived Court Summons	Filing		07/02/2026-00:00	04/14/2026-00:00	
McIntyre, Sylecia	Traffic Show Cause Hearing without document	Event		06/05/2026-11:00	04/14/2026-12:00	
McIntyre, Sylecia	Criminal/Traffic Jury Trial	Event		04/14/2026-09:00	04/14/2026-09:59	
McIntyre, Sylecia	Archived Court Summons	Filing		02/20/2026-00:00	04/14/2026-00:00	
McIntyre, Sylecia	Criminal/Traffic Court	Event		02/12/2026-18:00	01/06/2026-19:00	
McIntyre, Sylecia	Traffic Court	Event		01/06/2026-09:00	04/14/2026-22:00	

Exhibit D

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), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ 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), SCRCP.

This matter came before the Court as a SCRCP 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.

Exhibit D



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

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2026, I served a true and correct copy of the foregoing **Appellant's Reply to Respondent's Return to Emergency Motion for Supersedeas and Stay and Memorandum of Authorities**, together with Exhibits A through D, upon counsel for Respondent by First Class, prepaid USPS mail, addressed to:

Mark Reynolds Farthing, Esquire
Senior Assistant Deputy Attorney General
Office of the South Carolina Attorney General
P.O. Box 11549
Columbia, South Carolina 29211

Alan McCrory Wilson, Esquire
Attorney General
Office of the South Carolina Attorney General
P.O. Box 11549
Columbia, South Carolina 29211

Daniel H. H. Cude, Esquire
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306

Respectfully,

McIntyre, Sylecia
Sylecia McIntyre

Appellant, Pro Se
1855 e main st Ste14-219
Spartanburg, South Carolina
29307

Date: August 13, 2026

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Aug 13 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM SPARTANBURG COUNTY**
Court of Common Pleas
The Honorable J. Mark Hayes, II, Circuit Court Judge
Circuit Court Case No. 2026CP4201706
Appellate Case No. 2026-001598
Sylecia McIntyre,
Appellant,

v.

The State of South Carolina,
Respondent.

PROOF OF SERVICE

I, Sylecia McIntyre, Appellant Pro Se, hereby certify that on August 13, 2026, I served a true and correct copy of the following:

**APPELLANT'S REPLY TO RESPONDENT'S RETURN TO EMERGENCY MOTION
FOR SUPERSEDEAS AND STAY AND MEMORANDUM OF AUTHORITIES,
TOGETHER WITH EXHIBITS A THROUGH D**

By depositing copies in the United States Mail, properly addressed, with sufficient first-class postage prepaid and attached, pursuant to Rule 262©(2), SCACR, addressed as follows:

Mark Reynolds Farthing, Esquire
Senior Assistant Deputy Attorney General
Alan McCrory Wilson, Esquire
Attorney General
Office of the South Carolina Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
And

Daniel H. H. Cude, Esquire
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306

The foregoing documents were deposited in the United States Mail in Spartanburg County, South Carolina, on August 13, 2026.

Respectfully submitted,

McIntyre Sylecia **DATE:** August 13, 2026
Sylecia McIntyre, Appellant

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Aug 13 2026
SC Court of Appeals