

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

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SC Court of Appeals

APPEAL FROM NEWBERRY COUNTY

Hon. Jane Merrill, Circuit Court Judge

Appellate Case No. 2026-001592

Circuit Court Case No. 2026-CP-36-00158

State of South Carolina, Respondent,

v.

Sheena Paige, Appellant.

**APPELLANT'S MOTION TO RESUME APPEAL FOLLOWING LIMITED REMAND,
NOTICE OF CIRCUIT COURT'S SEPTEMBER 23, 2026 ORDER, AND MOTION TO
SUPPLEMENT RECORD IF NECESSARY**

Appellant Sheena Paige, appearing pro se, respectfully notifies this Honorable Court that the limited remand ordered on September 15, 2026 has been completed and respectfully requests that the Court resume proceedings in this appeal. To the extent necessary, Appellant further moves pursuant to Rule 212, SCACR, for the September 23, 2026 circuit court order entered during the limited remand to be included in or added to the appellate record.

PROCEDURAL BACKGROUND

1. On June 24, 2026, the circuit court entered an order affirming Appellant's convictions for failure to leave premises upon request and resisting a city officer and reversing Appellant's conviction for misuse of 911.
2. On June 25, 2026, Appellant timely filed a Motion for Reconsideration.
3. On July 1, 2026, the circuit court denied the Motion for Reconsideration.
4. On July 10, 2026, Appellant filed a Motion for Clarification and for Express Ruling on Omitted Issues. The motion requested express rulings concerning issues Appellant had presented in her Motion for Reconsideration but contended had not been expressly resolved.
5. Appellant subsequently filed the present appeal.
6. On September 15, 2026, this Court remanded the matter to the circuit court for the limited purpose of ruling upon Appellant's pending Motion for Clarification.
7. On September 23, 2026, the circuit court entered its Order regarding Appellant's Motion for Clarification and for Express Ruling on Omitted Issues.
8. The purpose of the limited remand has therefore been completed, and Appellant respectfully requests that this appeal resume.

**THE SEPTEMBER 23 ORDER EXPRESSLY CONFIRMS MATERIAL PORTIONS OF
THE BODY-WORN-CAMERA RECORDING**

9. Appellant's July 10 Motion for Clarification requested an express ruling concerning portions of the body-worn-camera recording that Appellant had identified by timestamp in her Motion for Reconsideration and that Appellant contended to bear directly upon the failure-to-leave conviction.
10. The September 23 order now expressly addresses numerous portions of that recording.
11. Among other things, the circuit court expressly found or acknowledged that:

- (a) Walmart's complaint initially concerned Appellant's parking location;
- (b) the officer asked whether Walmart wanted Appellant to vacate the premises;
- (c) the female Walmart employee stated that she "just wants her out of this spot" and that she had asked Appellant to move her vehicle to an actual parking spot;
- (d) the officer discussed towing Appellant's vehicle as a possible solution;
- (e) the officer subsequently informed Appellant that Walmart wanted her to leave the premises;
- (f) the officer requested that a Walmart employee tell Appellant to leave the premises;
- (g) an unidentified male Walmart employee thereafter instructed Appellant to leave;
- (h) Appellant was subsequently arrested; and
- (i) after Appellant's arrest, the officer asked the Walmart employee whether she wanted Appellant trespass.

12. With respect to several of these matters, the September 23 order expressly states that Appellant's description "accurately states what is on the video."

13. Appellant respectfully submits that these express findings are material to the issues presently before this Court and should be considered as part of the appellate record.

THE CONTEMPORANEOUS VIDEO AND THE LATER TRIAL TESTIMONY

14. The September 23 order also relies on later trial testimony from the female Walmart employee that she told Appellant to move to a different space and then later to leave the parking lot.

15. Appellant respectfully preserves her contention that this later testimony must be considered together with the contemporaneous body-worn-camera evidence that the circuit court has now expressly described and accepted.

16. Appellant contends there is no contemporaneous body-camera evidence showing the female employee personally directing Appellant to vacate the premises before the officer began telling Appellant that Walmart wanted her to leave. To the contrary, the September 23 order confirms that the female employee stated that she "just wants her out of this spot" and that she had asked Appellant to move her vehicle to an actual parking spot.

17. The body-worn-camera recording further reflects, as the September 23 order acknowledges, that the female employee reported difficulty communicating directly with Appellant because Appellant would not roll down the vehicle window. Appellant contends that this contemporaneous statement bears upon whether and when the female employee could have personally communicated an instruction to leave.

18. Appellant further contends that when the officer specifically asked whether Walmart wanted Appellant to vacate the premises, the female employee did not affirmatively state that she wanted Appellant removed from the property; instead, she stated that she wanted Appellant out of the parking spot and referred to moving the vehicle to an actual parking spot.

19. Appellant therefore contends that the officer's subsequent statement to Appellant that "Walmart wants you to vacate the premises" was not preceded on the body-worn-camera recording by an affirmative instruction from the female employee that Appellant leave the premises.

20. The September 23 order separately confirms that the officer later requested that a Walmart employee tell Appellant to leave and that the unidentified male employee then gave that instruction. Appellant respectfully submits that the sequence and timing shown on the contemporaneous recording are relevant to the legal sufficiency of the evidence supporting the failure-to-leave conviction.

21. Appellant does not ask this Court, through the present motion, to resolve the ultimate merits of that appellate issue. Appellant sets out the point here to accurately identify what the September 23 order clarified and to preserve the distinction between the contemporaneous video evidence and the later trial testimony for review in the ordinary course of this appeal.

**THE UNIDENTIFIED MATERIAL-WITNESS ISSUE REMAINS MATERIAL TO THE
APPEAL**

22. Appellant's July 10 Motion for Clarification separately raised an issue concerning the unidentified male Walmart employee appearing on the body-worn-camera recording.

23. Appellant specifically informed the circuit court that she had repeatedly sought the identity of this individual during the proceedings because he possessed information concerning the events underlying the failure-to-leave charge.

24. Appellant further asserted that the individual's identity had never been disclosed, that he did not testify, and that without his identity Appellant was unable to investigate or interview him or seek his testimony through compulsory process.

25. Appellant therefore requested an express ruling concerning the significance of the unidentified material witness.

26. In its September 23 order, the circuit court expressly acknowledged Appellant's argument under a separate heading entitled "Unidentified Material Witness."

27. The circuit court also expressly confirmed that the body-worn-camera recording shows that the male employee instructed Appellant to leave.

28. However, the September 23 order does not identify that employee.

29. Nor does the order expressly resolve Appellant's specific contention concerning the consequences, if any, of the nondisclosure of his identity upon Appellant's ability to investigate him, interview him, or seek his testimony through compulsory process.

30. Instead, the circuit court relied upon other evidence, including testimony from the female Walmart employee and the responding officer, in concluding that evidence supported the municipal court's finding.

31. Appellant respectfully submits this distinction not for the purpose of requesting another limited remand, but to ensure that the procedural history and the issue Appellant sought to preserve are accurately reflected before this Court.

**APPELLANT DOES NOT SEEK FURTHER RECONSIDERATION IN CIRCUIT
COURT**

32. Rule 205, SCACR, provides that upon service of the notice of appeal, the appellate court has exclusive jurisdiction over the appeal, while the lower court may proceed with matters not affected by the appeal.

33. The circuit court acted pursuant to this Court's September 15, 2026 limited remand and has now entered the requested order.

34. Appellant therefore does not seek another reconsideration proceeding or another limited remand at this time.

35. Instead, Appellant respectfully requests that this Court resume the ordinary progression of this appeal and consider the September 23 order, together with the matters preserved in Appellant's July 10 Motion for Clarification, when reviewing the issues properly presented in this appeal.

SUPPLEMENTATION OF THE RECORD

36. Rule 212(a), SCACR, authorizes the appellate court to require material that was before the lower court to be transmitted for its inspection and consideration. Rule 212(b) provides that, without written consent of all attorneys of record, a party desiring to supplement the Record on Appeal must move the appellate court for leave to do so.

37. Because the September 23 order was entered pursuant to this Court's limited remand after this appeal had commenced, Appellant respectfully requests that the order be made part of the appellate record to the extent it is not already included.

38. Appellant is prepared to provide the filed September 23, 2026 order and any additional materials this Court directs.

REQUEST FOR RELIEF

WHEREFORE, Appellant Sheena Paige respectfully requests that this Honorable Court:

- A. Acknowledge that the circuit court has completed the limited remand ordered September 15, 2026;
- B. Restore or return this appeal to active appellate proceedings;
- C. Accept and consider the circuit court's September 23, 2026 Order regarding Appellant's Motion for Clarification and for Express Ruling on Omitted Issues;
- D. Pursuant to Rule 212, SCACR, permit the September 23, 2026 order to supplement the Record on Appeal to the extent supplementation is necessary;
- E. Treat Appellant's contentions concerning the contemporaneous body-worn-camera evidence, the later trial testimony, and the unidentified material witness as preserved to the extent properly raised and preserved below, without deciding their ultimate merits on this procedural motion; and

F. Grant such other and further relief as this Court deems just and proper.

MEMORANDUM OF LAW

This motion is supported by Rules 205, 212, 240, and 267 of the South Carolina Appellate Court Rules.

Rule 205 provides that upon service of the notice of appeal, the appellate court has exclusive jurisdiction over the appeal. Here, the circuit court acted pursuant to this Court's September 15, 2026 limited remand and has now entered its ruling. The purpose of the limited remand has therefore been fulfilled.

Rule 212 permits supplementation of the appellate record. The appellate court may require material from the lower court, and a party may seek leave to supplement the Record on Appeal. Because the September 23 order was entered after commencement of this appeal and as the direct result of this Court's limited remand, Appellant respectfully submits that inclusion of the order will ensure that the Court has a complete procedural record.

Rule 240 requires an appellate motion to be in writing, state its grounds, comply with Rule 267, include proof of service, and include a memorandum with citation of authorities. Rule 267 requires, among other things, a proper appellate caption, standard 12-point or larger type, double spacing, and one-inch margins.

For these reasons, Appellant respectfully requests that this Court resume proceedings in the appeal and permit supplementation of the appellate record with the September 23, 2026 order to the extent necessary.

Respectfully submitted,

D. A. Sheen 10/1/2026

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Paige, Sheen 10/1/2026

Date: October 1, 2026

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2026, I served a true and correct copy of the foregoing Appellant's Motion to Resume Appeal Following Limited Remand, Notice of Circuit Court's September 23, 2026 Order, and Motion to Supplement Record if Necessary upon counsel for Respondent, in accordance with the South Carolina Appellate Court Rules, by the following method:

☐ U.S. Mail ☒ Hand Delivery ☐ Electronic Service ☐ Other:

Counsel for Respondent:

South Carolina Eighth Judicial Circuit Solicitor's Office

Whitney Katherine Yongue Taylor

1226 College Street, Newberry, South Carolina 29108

Paige, Sheena 10/1/2026

Sheena Paige, Appellant Pro Se

Date: October 1, 2026

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