

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Honorable Benjamin H. Culbertson, Circuit Court Judge

Case No. 2011-CP-22-1296
Appellate Case No. 2012-212102

City of Georgetown Respondent,

v.

Willie Singleton Appellant.

APPENDIX TO RECORD ON APPEAL

Robert W. Maring
Maring Law Firm, P.A.
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P.O. Box 478
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Attorney for Respondent

Willie Singleton
501 North Congdon Street
Georgetown, SC 29440

RECEIVED

APR 10 2014

SC Court of Appeals

Pursuant to Rule 212 South Carolina Appellate Court Rules, Respondent submits the following as an Appendix to the Record on Appeal:

EXHIBITS

1. Letter dated July 29, 2011 from Appellant to Judge O'Donnell attempting to appeal the July 13, 2011 conviction 27
2. Summary Court Summons to Willie Singleton dated May 4, 2011 providing notice of the term of Court 29
3. State v. Willie Singleton – Testimony of Janet Grant 30

Willie Singleton
501 N. Congdon St
Georgetown
Re: 1295

Dear Judge O'Donoghue

I do not own the property in violation you transferred that property to Mrs Alford and her son, yes I paid for it, but the property was never transferred to me Mr. Swinnie From Andrews owns $\frac{1}{3}$ of the property, Alex Zadrer Alford owns $\frac{1}{3}$ Mrs Alford has quick deed $\frac{1}{3}$ to keep me from going through a lawyer. I wrote you a letter, showing you this problem.

I never received a notice of your court date, I would have been there, to defend these charges. Mrs Grant by City and state law can only write tickets for 500. The ticket is poison.

I ask that the courts allow
me to appeal this decision.

7-29-11

I will send a formal letter
of appeal on mon 8-1-11 if this
letter is inefficient.

Willie Singleton

ROA 28

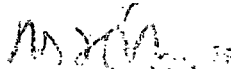
STATE OF SOUTH CAROLINA
CITY OF GEORGETOWN

Willie Singleton
501 North Congdon St.
Georgetown, SC 29440-2711

SUMMARY COURT SUMMONS

You are hereby summoned to be and appear in the **Georgetown Municipal Court, 2222-B Highmarket Street**, on **July 11, 2011 at 9:00 AM**, to serve as a defendant in the Jury Trial of **State vs. Willie Lee Singleton**, Case Number: **1295**, Charge: **Ordinance / Prohibition against maintaining nuisances**.

Failure to appear by the defendant, without leave of the Court, may subject the defendant to trial in absentia.



JUDGE

Georgetown Municipal Court
2222-B Highmarket Street
Georgetown, SC 29440
Phone: (843) 545-4020 Fax: (843) 520-5847

May 4, 2011

TESTIMONY STATE V. WILLIE SINGLETON

Prosecutor: Your Honor, I would like to call Janet Grant to the stand. Ms. Grant could you introduce yourself to the jury and let them what you do for a living.

Grant: My name is Janet Grant. I work for the City of Georgetown as a Code Enforcement Officer of overgrown lots in the City.

Prosecutor: Please explain to the jury what kind of basic job you do for the city.

Grant: I ride around in my car and look at individual properties in the city. If it is in violation of the city ordinance, which is Article II, Section 11-26, which states that any property which because of it's condition promotes the breeding or harboring of rats, flies, snakes, varmints or any property that is exceeding 18-inches in growth, also with dilapidated structures on the property. All of that is under one ordinance, which is public nuisance. I will then write the property owner a letter giving them twenty-one days to get their property in order with the city ordinance. If the twenty-one days are up, I will go back and check the property to see if they have completed what was required. If not, I will then send them a second letter, giving them another ten days because people do forget. After that, sometimes I will still try to work with the property owners after the last ten days, to see what can be done to rectify the situation. In instances where you just completely ignore anything that I send, then I will send you a summons or citation. The citation, the fine is \$1092.50. If you don't comply, I still give you another thirty days. If you comply within that thirty days, then I will dismiss the summons and you never come to court. If not then the citation is presented to municipal court, and that's when it comes here for the judge to make the decision.

Prosecutor: Let's talk specifically about Mr. Singleton's property. Tell the jury where this property is located.

Grant: This property is a vacant lot on South Merriman Road, on the corner of Emanuel and South Merriman. There are actually two lots there. One lot has an old dilapidated structure that is very difficult to see because of the overgrowth and it is very close to the sidewalk. We have had rodents and snakes

and stuff seen on the sidewalk in that area. There is an old house in there and the bushes are way over the house's roof so really can't see it. It is exceeding the limit that's required in the ordinance. A lot of people don't even see the house unless it is in the Fall when all the vegetation has died. And it actually looks like it is going to fall on the sidewalk. Right now when you drive by it with all the new vegetation from the summer, you can't really see it unless you are walking on the sidewalk. It has been that way for the last three or four years.

Prosecutor: Based on your observations of this lot, obviously the growth is over the home or the structure. Do you believe it is in a dangerous condition right now?

Grant: Yes, it is hazardous to the health of the community.

Prosecutor: Is this a sidewalk where children are right here on Merriman Road?

Grant: Yes. We actually got a complaint about a lady and a child walking and a snake came out on the sidewalk from this house.

Prosecutor: The house itself is also a problem. Is the house itself a hazard?

Grant: Yes it is a health hazard.

Prosecutor: Did you ever notify Mr. Singleton that he had an issue with this house or with the property?

Grant: Yes.

Prosecutor: Walk through the steps you have taken to get the situation that you deemed in violation resolved.

Grant: Starting three years ago I started writing letters to him and kept giving him time to get it done. He kept saying, I'll get it done. But he never did. I have spoken with him verbally as well as sent him letters and he kept saying, I will take care of it. But he never did. Then one day he said, the part with the house on it, I'm going to renovate that, which at the time, you didn't even know a house was there. Then he just completely stopped communicating with me at all.

Prosecutor: Is that when the citation was written?

Grant: The citation was written after a year. I had been writing letters about every ninety days for one year. Usually, I will try to hold out as much as I can for up to a year.

Prosecutor: Did you ever take any pictures of the property?

Grant: Yes.

Prosecutor: Did you bring those with you here today?

Grant: Yes. We took pictures in December and I took some last week.

Prosecutor: I am going to hand you a paper that says Willie Singleton property S. Merriman Road TMS number. What does that mean?

Grant: The TMS number is the Tax Map Search record that comes from the Assessor's office at the courthouse. Each property in the City of Georgetown is listed by a tax map number. Because that is a vacant lot, it doesn't have a city postal address.

Prosecutor: Please go through the pictures and describe what each picture is.

Grant: The first picture was taken on 12/13/2010. You can see all the over-growth. If you look really close you can see a house in there. And in front, I don't know if you can see how close it is to the sidewalk. The second picture also taken 12/13/2010, I am trying to get a closer view of the house and the sidewalk. The third picture is also 12/13/2010. It shows you how high all the vegetation is.

Prosecutor: That looks to be over fifteen to twenty feet.

Grant: At least fifteen or twenty. It's over the house. The next picture shows you the close up.

Prosecutor: Do those pictures accurately depict the property in it's condition?

Grant: Yes.

Prosecutor: The jury has seen pictures from not only this winter, but basically as of this week?

Grant: Yes.

Prosecutor: You also took pictures in January?

Grant: Yes.

Prosecutor: I would like to mark these pictures as city exhibit number one.

Prosecutor: In this picture you took in January 2011, what is this white building?

Grant: That is the house that is exactly next to the property.

Prosecutor: Ms. Grant you said you started writing letters awhile back?

Grant: Yes.

Prosecutor: Is this a letter you wrote Mr. Singleton on April 24, 2009?

Grant: Yes it is.

Prosecutor: You sent another letter on July 28, 2010?

Grant: Yes.

Prosecutor: And another letter on August 27, 2010?

Grant: Yes.

Prosecutor: Another letter on September 15, 2010?

Grant: Yes.

Prosecutor: Ms. Grant is there anything else you could have done to get Mr. Singleton to comply and to clean up this property?

Grant: I don't think so. I just went by what the city ordinance allowed me to do.

Prosecutor: You could have written a citation long before you did?

Grant: Yes.

Prosecutor: It doesn't say you have to write one, two, three, four letters to get him in compliance, is that right?

Grant: Correct.

Prosecutor: You could just give a citation right at the start?

Grant: Correct.

Prosecutor: But you didn't do that did you?

Grant: No.

Prosecutor: You wanted to give him an opportunity to get in compliance didn't you?

Grant: Yes.

Prosecutor: Your Honor I would like to place these letters into evidence as exhibit two.

Prosecutor: Is there any doubt in your mind that Mr. Singleton has created a nuisance on his property in the city limits of Georgetown?

Grant: Yes, he has created a nuisance.

Prosecutor: Is there any doubt in your mind he has he created a dangerous condition?

Grant: No doubt.

Prosecutor: This is in the city limits of Georgetown?

Grant: Yes in the city limits of Georgetown.

Prosecutor: On South Merriman Road?

Grant: Correct.

Prosecutor: Your Honor that is all the questions I have.

Judge: What is the title of the witness and what is her authority to write such citations and her capacity?

Prosecutor: Your title for the City of Georgetown is?

Grant: Code Enforcement Officer.

Prosecutor: And you are authorized to write citations for the City of Georgetown to enforce the code?

Grant: Correct.

Judge: There are no limitations on carrying out the provisions of this chapter?

Grant: No.

The jury asked what the penalty for this charge would be and how old this person is?

Judge: The penalty for this is up to \$1092.50. There would be no incarceration. The date of birth for the defendant is 9/11/1955. So he is not an elderly person and to our knowledge he is not a disabled person.

The jury asked if the property could be taken as a part of the penalty for this charge.

Judge: The property would not be taken as a penalty for this charge.

The jury asked if there is a reason he is not present for the trial

Judge: We have no idea. The notice is sent to address.

The jury asked if he could be locked up.

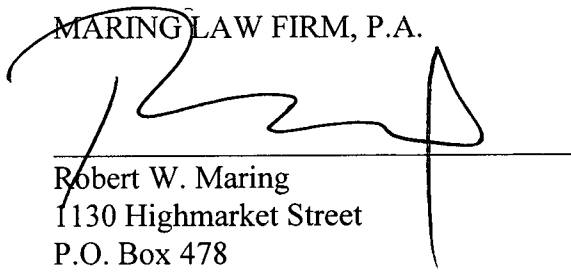
Judge: No. We always verify that the person is not incarcerated. The notice is sent to the address provided by the defendant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Appendix to Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

April 9, 2014

MARING LAW FIRM, P.A.

A handwritten signature in black ink, appearing to read 'R. Maring', is written over a horizontal line. The signature is stylized and extends above and below the line.

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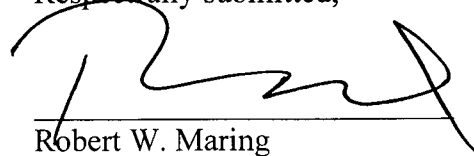
Willie Singleton Appellant.

CERTIFICATE OF SERVICE

I do hereby certify that I have served all parties/counsel in this action with a copy of the Appendix to Record on Appeal by depositing a copy in the U.S. Mail, First Class Postage prepaid, on the 1st day of April, 2014, addressed as follows:

Willie Singleton
501 North Congdon Street
Georgetown, SC 29440

Respectfully submitted,



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Georgetown, SC
April 1st, 2014