

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4001291

Haiyan Lin

City of Columbia

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

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; 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 _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other _____

RICHLAND COUNTY
 FILED
 2014 APR - 1 PM 12:25
 JEANETTE W. McBRIDE
 CLERK OF COURT

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 1 April 2014 to attorneys of record or to parties (when appearing pro se) as follows:

RECEIVED

MAY 08 2014

Haiyan Lin

David A Fernandez

SC Court of Appeals

Haiyan Lin
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. McBride

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 City of Columbia,)
)
 Respondent,)
)
 v.)
)
 Haiyan Lin,)
)
 Appellant.)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

C/A No.: 2013-CP-40-1291

ORDER

RICHLAND COUNTY
FILED
 2014 MAR 28 AM 9:25
 JEANETTE W. McBRIDE
 C. C. P. & G. S.

This matter came before the Court on July 31, 2014, on appeal from the City of Columbia Municipal Court. The City of Columbia (“City”) was represented by David A. Fernandez, and the Appellant Haiyan Lin (hereinafter “Appellant”) appeared *Pro Se*.

BACKGROUND

This appeal was filed on February 14, 2013, by a Ms. Mamie Jackson, on behalf of the Appellant, Ms. Haiyan Lin, asserting impropriety in the service of bench warrants and the theft of Appellant’s dog.

STANDARD OF REVIEW

“In criminal appeals from magistrate or municipal court, the circuit court does not conduct a de novo review, but instead reviews for preserved error raised to it by appropriate exception.” Rogers v. State, 358 S.C. 266, 269, 594 S.E.2d 278, 279 (Ct. App. 2004), citing City of Landrum v. Sarratt, 352 S.C. 139, 141, 572 S.E.2d 476, 477 (Ct. App. 2002). Further, “the circuit court, sitting in its appellate capacity, may not engage in fact finding.” Id., 358 S.C. at 270. On appeal from municipal court “[t]he appeal must be heard by the Court of Common Pleas upon grounds of exceptions made and upon the papers required under this chapter, without the examination of

witnesses in that court... [a]nd the court may either confirm the sentence appealed from, reverse or modify it, or grant a new trial.” S.C. Code Ann. § 18-3-70 (Supp. 2008).

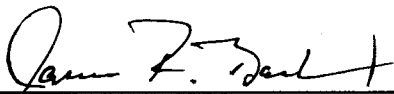
DISCUSSION

Mamie Jackson is neither an attorney nor licensed to practice law in the State of South Carolina. This appeal was filed and signed by Mamie Jackson on behalf of this Appellant. Mamie Jackson has no authority or legal basis to file an appeal on behalf of another. Because this appeal was not properly filed pursuant to the statutory laws of this South Carolina, it therefore lacks jurisdiction, and there is nothing for this Court to consider.

ORDER

For foregoing reasons, this Court finds that the Appellant’s appeal is **DISMISSED**.

AND IT IS SO ORDERED.



JAMES R. BARBER, III
Presiding Judge

March 28, 2014
Columbia, South Carolina

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4001292

Haiyan Lin

City of Columbia

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

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.
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- 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.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
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		\$
		\$

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Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class, placed in the appropriate attorney's box on this 1 April 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Haiyan Lin

David A Fernandez

RECEIVED
MAY 08 2014
SC Court of Appeals

Haiyan Lin
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court Jeanette W. McBride

exceptions made and upon the papers required under this chapter, without the examination of witnesses in that court... [a]nd the court may either confirm the sentence appealed from, reverse or modify it, or grant a new trial.” S.C. Code Ann. § 18-3-70 (Supp. 2008).

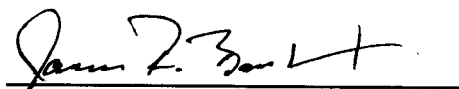
DISCUSSION

The bench warrants in question were issued by the Municipal Court as a result of Appellant’s convictions of charges *in absentia*. Although the Appellant did not attend her trial(s), she has the right, and has been afforded every opportunity, to legally challenge those underlying convictions by appealing in the appropriate manner. The case at hand, however, is not an appeal of Appellant’s convictions, but rather a request to lift bench warrants citing only vague and unspecified violations of her rights. This Court has no authority to vacate valid bench warrants or underlying convictions that have not been appropriately appealed.

ORDER

For foregoing reasons, this Court finds that the Appellant’s appeal is **DISMISSED**.

AND IT IS SO ORDERED.



JAMES R. BARBER, III
Presiding Judge

March 28, 2014
Columbia, South Carolina

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4001293

Haiyan Lin

City of Columbia

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

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.
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- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other _____

RICHLAND COUNTY
 FILED
 APR - 1 PM 12:08
 CLERK OF COURT
 JEANETTE W. MCBRIDE

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

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RECEIVED

Haiyan Lin

David A Fernandez

SC Court of Appeals

Haiyan Lin

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W McBride

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 City of Columbia,)
)
 Respondent,)
)
 v.)
)
 Haiyan Lin,)
)
 Appellant.)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

C/A No.: 2013-CP-40-1293

ORDER

JEANETTE W. MERRITT
 C. C. P. & G. S.
 2014 MAR 20 10:35 AM
 RICHLAND COUNTY
 FILED

This matter came before the Court on July 31, 2014, on appeal from the City of Columbia Municipal Court. The City of Columbia (“City”) was represented by David A. Fernandez and the Appellant Haiyan Lin (hereinafter “Appellant”) appeared *Pro Se*.

BACKGROUND

This appeal was filed on February 22, 2013, requesting that this court vacate bench warrants against the Appellant (listed by Appellant as Warrant Nos. Z-10185, Z-10186, Z-10533). Appellant was arrested on February 6, 2013 pursuant to these three bench warrants, and was incarcerated at the time of filing this appeal. Appellant argued at her bond setting on February 7, 2013, that the bench warrants should be lifted due to violations of her due process and equal protection rights, as well as discrimination. This appeal followed.

STANDARD OF REVIEW

“In criminal appeals from magistrate or municipal court, the circuit court does not conduct a de novo review, but instead reviews for preserved error raised to it by appropriate exception.” Rogers v. State, 358 S.C. 266, 269, 594 S.E.2d 278, 279 (Ct. App. 2004), citing City of Landrum v. Sarratt, 352 S.C. 139, 141, 572 S.E.2d 476, 477 (Ct. App. 2002). Further, “the circuit court, sitting in its appellate capacity, may not engage in fact finding.” Id., 358 S.C. at 270. On appeal from

municipal court “[t]he appeal must be heard by the Court of Common Pleas upon grounds of exceptions made and upon the papers required under this chapter, without the examination of witnesses in that court... [a]nd the court may either confirm the sentence appealed from, reverse or modify it, or grant a new trial.” S.C. Code Ann. § 18-3-70 (Supp. 2008).

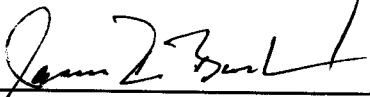
DISCUSSION

The bench warrants in question were issued by the Municipal Court as a result of Appellant’s convictions of charges *in absentia*. Although the Appellant did not attend her trial(s), she has the right, and has been afforded every opportunity, to legally challenge those underlying convictions by appealing in the appropriate manner. The case at hand, however, is not an appeal of Appellant’s convictions, but rather a request to lift bench warrants citing only vague and unspecified violations of her rights. This Court has no authority to vacate valid bench warrants or underlying convictions that have not been appropriately appealed.

ORDER

For foregoing reasons, this Court finds that the Appellant’s appeal is **DISMISSED**.

AND IT IS SO ORDERED.



JAMES R. BARBER, III
Presiding Judge

March 28, 2014
Columbia, South Carolina

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2013CP4001938

City of Columbia

Haiyan Lin

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for : Plaintiff Defendant or Self-Represented Litigant

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.
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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:

ORDER INFORMATION

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David A Fernandez

Haiyan Lin

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Janette W. McBride

RECEIVED
MAY 08 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 City of Columbia,)
)
 Respondent,)
)
 v.)
)
 Haiyan Lin,)
)
 Appellant.)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT

C/A No.: 2013-CP-40-1938

ORDER

JEANETTE W. McBRIDE
 C.C.P. & G.S.
 2014 MAR 28 AM 9:26
 FILED
 RICHLAND COUNTY

This matter came before the Court on July 31, 2014, on appeal from the City of Columbia Municipal Court. The City of Columbia (“City”) was represented by David A. Fernandez, and the Appellant Haiyan Lin (hereinafter “Appellant”) appeared *Pro Se*.

BACKGROUND

This appeal stems from Appellant’s numerous convictions in the City of Columbia Municipal Court for various charges and contempt of court. Appellant appeared before the Honorable Steven D. Dennis of the Columbia Municipal Court on March 20, 2013, requesting the court issue an appeal bond for her various convictions, and lift the outstanding bench warrants for arrest. Her motions were denied and this appeal followed.

STANDARD OF REVIEW

“In criminal appeals from magistrate or municipal court, the circuit court does not conduct a de novo review, but instead reviews for preserved error raised to it by appropriate exception.” Rogers v. State, 358 S.C. 266, 269, 594 S.E.2d 278, 279 (Ct. App. 2004), citing City of Landrum v. Sarratt, 352 S.C. 139, 141, 572 S.E.2d 476, 477 (Ct. App. 2002). Further, “the circuit court, sitting in its appellate capacity, may not engage in fact finding.” Id., 358 S.C. at 270. On appeal from municipal court “[t]he appeal must be heard by the Court of Common Pleas upon grounds of

exceptions made and upon the papers required under this chapter, without the examination of witnesses in that court... [a]nd the court may either confirm the sentence appealed from, reverse or modify it, or grant a new trial.” S.C. Code Ann. § 18-3-70 (Supp. 2008).

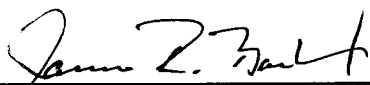
DISCUSSION

Based on a review of Appellant’s grounds for appeal and her argument to this court at her appeal hearing, it appears that the denial of her request for an appeal bond is at this point a moot issue. The Appellant filed this appeal while incarcerated after being arrested for her outstanding bench warrants. An appeal bond is no longer necessary, rendering this appeal moot, as the Appellant has already served the requisite amount of time in prison and is not at imminent risk of further incarceration for these charges.

ORDER

For foregoing reasons, this Court finds that the decision of the lower court is affirmed and that the Appellant’s appeal **IS DENIED AND DISMISSED.**

AND IT IS SO ORDERED.



JAMES R. BARBER, III
Presiding Judge

March 28, 2014
Columbia, South Carolina