

The South Carolina Court of Appeals

The City of Columbia, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2014-000037

RECEIVED

JUL 14 2014

SC Court of Appeals

*Motion For Full Panel Review
and
Motion For Extension of Time*

On May 23, 2014, the appellant has filed the Motion To Reinstate and the Motion For Disclosure and For Extension of Time. On June 27, 2014, the clerk of the Appellate Court has single handedly denied the appellant's Motion For Disclosure and her motion to consolidate this case with the case 2013-001862, without any justifiable reasons.

To protect the appellant's due process right and equal protection right,

the appellant hereby moves to this court for a full panel review on the Appellant's Motion to Reinstate and the Motion For Disclosure and For Extension of Time, and a full Panel review on the Motion to Consolidate the Case No. 2013-001862 with the case No. 2014-000037 along with both case files. At the same time, the appellant also requests for an extension of time to file appellant's initial brief and designation of matter within 30 days from the date of the final decision from the full panel judges along with their legal reasonings.

July 14, 2014

Haiyan Lu
P.O. Box 8776
Columbia, SC 29202

The State of South Carolina
In the Court of Appeal
Appellate Case No. 2014-000037

The City of Columbia ----- Respondent
V.
Haigan Lin ----- Appellant

Motion To Reinstate
and

Motion For Disclosure and For Extention of Time

The appellant has received the order of dismissal by Deputy Clerk, V. Claire Allen. The order states that "Appellant has failed to order the transcripts, as required by Rule 207(a)(1) of the South Carolina Appellate Court Rules and to serve and file the initial brief of appellant and designation of matter. Accordingly, the matter is dismissed. This order has contradicted with her own letter of March 31, 2014. In that letter, she states that "Please be advised that the transcript is due to be ordered within thirty (30) days of the date of this letter." The letter has also been

Sent to Salley W. Elliott, Esquire, S C
Deputy Attorney General.

On April 3, 2014, Salley W. Elliott also sent the appellant her letter to the clerk of court of appeal, Jenny A. Kitchings; The letter states that "I am in receipt of a copy of this court's letter advising appellant that a notice of appeal will be consolidated with an earlier filing in the matter of City of Columbia V. Hanyan Lin," and requests that "Please remove the attorney General's Office as counsel for any party to this appeal." How ~~did~~ these communications come about? The appellant here by request this court to disclose all of the communications between this court, and the City Attorney's office, as well as with the Attorney's General's Office. Why were the Attorney General, Alan McCrosson and Salley W. Elliott listed as counsel for the city of Columbia?

Despite all of these confusions were going on this case, the appellant has

ordered the transcript. Now she has also received the transcript, and she is in the process in preparing her initial brief. But it is necessary that this case could be consolidated with the earlier case No. 2013-001862, in order for her to be able to clearly present her case. Since the Case No. 2013-001862 has been recalled and the Amended Notice of Appeal has been filed, the Motion to Consolidate has also been filed for that case.

To protect the appellant's due process and equal protection rights, the appellants here by requests this court to reinstate the appeal and to grant an extension of time to file her initial brief until the consolidation of these two cases has been granted.

May 23, 2014.

Haiyan Lu



ALAN WILSON
ATTORNEY GENERAL

April 3, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: City of Columbia v. Haiyan Lin
Appellate Case No: 2014-000037

Dear Ms. Kitchings:

I am in receipt of a copy of this Court's letter advising Appellant that a notice of appeal will be consolidated with an earlier filing in the matter of City of Columbia v. Haiyan Lin. Please be advised that our Office does not represent the City of Columbia or any county or city government on appeal from criminal cases prosecuted by those entities. Please remove the Attorney General's Office as counsel for any party to this appeal.

Sincerely,

Salley W. Elliott
Senior Assistant Deputy Attorney General
S.C. Bar No: 1871

SWE/ab

cc: Haiyan Lin
David A. Fernandez, Esquire

The South Carolina Court of Appeals

The City of Columbia, Respondent,

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ORDER

Appellant has filed a motion to consolidate this case with Appellate Case No. 2013-001862. After careful consideration, Appellant's motion is denied.


FOR THE COURT

Columbia, South Carolina

cc:
Haiyan Lin
Alan McCrory Wilson, Esquire
Salley W. Elliott, Esquire

FILED
3/31/14

The State of South Carolina
In the Court of Appeal
Appeal From Richland County
Court of Common Pleas

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MAY 21 2014

SC Court of Appeals

City of Columbia ----- Respondent
V.

Haiyan Lin ----- Appellant

Appellate Case No. 2013-001862

Motion to Consolidate

On April 18, 2014, this court has issued an order to recall the remittitur. And on May 8, 2014, the appellant has filed Amended Notice of Appeal. Therefore, the above case should be put on the docket of the appellate court. The appellant has proceeded to order the transcript of the case. Please find the enclosed letter for the transcript.

Since the Appellate Case No. 2014-000037 is closely related to the above case, the appellant hereby requests to consolidate these two cases together.

May 19, 2014.

Haiyan Lin
P.O. BOX 1011
Columbia, SC 29202

The South Carolina Court of Appeals

The City of Columbia, Respondent,

v.

Haiyan Lin, Appellant.

Appellate Case No. 2014-000037

The Certificate of Services.

The appellant, Haiyan Lin, certifies that she has served the respondent by US mail on July 14, 2014 to

*The City Attorney's Office
P.O. Box 667
Columbia, SC 29202*

July 14, 2014

*Haiyan Lin
P.O. Box 8776
Columbia, SC 29202*

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SC Court of Appeals