

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.: 2014-CP-40-01491

ORDER DENYING APPEAL
RECEIVED

JAN 18 2017

SC Court of Appeals

This matter came before the Court on December 14, 2016, on appeal from the Court of Columbia Municipal Court. The City of Columbia ("City") was represented by Assistant City Attorney Bruce Greenberg, and Appellant was *Pro Se* and failed to appear.

RICHLAND COUNTY
2016 DEC 02 PM 2:09
JERRY G. WILSON, CLERK
S.C. JUDICIAL BRANCH 5

BACKGROUND

On April 16, 2013, Deputy Fire Marshall Matthew Lam, Inspector with the Columbia Fire Department, cited Haiyan Lin ("Appellant") for Failure to Repair Unsafe Structure; as adopted from the International Fire Code in City of Columbia, South Carolina Code § 9-61. Appellant was convicted in her absence following a bench trial on February 25, 2014 and was sentenced to a One Thousand Ninety-Two dollars and Fifty cents (\$1,092.50) fine or Thirty (30) days in jail. This appeal followed.

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DISCUSSION

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).

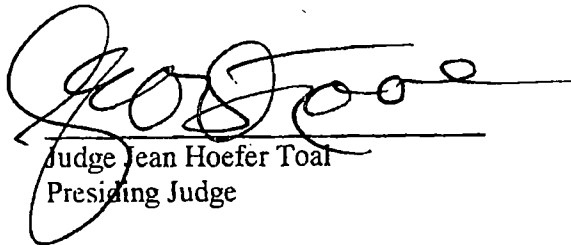
The record shows this appeal was originally scheduled for October 17, 2014, however, the hearing was postponed because notice to Appellant was accidentally sent to an incorrect address. The record on appeal also contains a handwritten letter from Appellant dated November 28, 2016 acknowledging notice for this matter that came before this Court on December 14, 2016. This Court granted the City's Motion to Dismiss for failure of the Appellant to appear to prosecute this appeal.

ORDER

For the foregoing reasons, the Court finds that notice of this hearing was proper. The conviction of the lower court is affirmed, and the Appellant's appeal **IS DENIED**.

AND IT IS SO ORDERED.

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Judge Jean Hoefler Toal
Presiding Judge

December 16, 2016
Columbia, South Carolina