

**NOTICE OF APPEAL FROM COMMON PLEAS REGARDING A
CONVICTION IN MUNICIPAL COURT**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2017-CP-40-01699

The City of Columbia,

Appellant,

v.

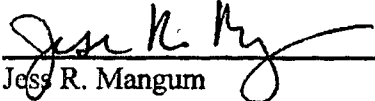
Shasha Rawlinson,

Respondent.

NOTICE OF APPEAL

The City of Columbia appeals the order of the Honorable L. Casey Manning, electronically filed on June 13, 2018, which vacated Shasha Rawlinson's municipal court conviction and dismissed her case with prejudice. Appellant received notice of the order on June 13, 2018.

July 11, 2018



Jess R. Mangum
Office of the City Attorney
Post Office Box 667
Columbia, South Carolina 29202
(803) 737-4242
Attorney for Appellant

Other Counsel of Record:
Jerry Finney
The Finney Law Firm, Inc.
2117 Park Street
Columbia, South Carolina 29201
(803) 254-7408
Attorney for Respondent

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SC Court of Appeals

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**NOTICE OF APPEAL FROM COMMON PLEAS REGARDING A
CONVICTION IN MUNICIPAL COURT**

THE STATE OF SOUTH CAROLINA
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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2017-CP-40-01699

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The City of Columbia, Appellant,

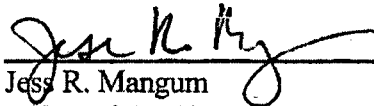
v.

Shasha Rawlinson, Respondent.

NOTICE OF APPEAL

The City of Columbia appeals the order of the Honorable L. Casey Manning, electronically filed on June 13, 2018, which vacated Shasha Rawlinson's municipal court conviction and dismissed her case with prejudice. Appellant received notice of the order on June 13, 2018.

July 11, 2018



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The Finney Law Firm, Inc.
2117 Park Street
Columbia, South Carolina 29201
(803) 254-7408
Attorney for Respondent

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 City of Columbia,)
)
 Respondent,)
)
 v.)
)
 Shasha Rawlinson,)
)
 Appellant.)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT
 DOCKET NO. : 2017-CP-40-01699

ORDER **RECEIVED**
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THIS MATTER came before me on April 13, 2018 on a municipal court appeal. The Appellant is represented in this matter by Jerry Leo Finney, Esquire of The Finney Law Firm. The Respondent is represented by Attorney Jessica Magnum of the City of Columbia Attorney's Office.

FACTUAL BACKGROUND

The Appellant was charged with shoplifting and providing false information to police. She requested a jury trial for these charges. Appellant properly requested discovery from the government in accordance with Rule 5 and Brady. However, Appellant was not provided any discovery of any kind. Nevertheless, on or about March 16, 2017, this jury trial was held before the City of Columbia Municipal Court Judge Susan Porter. After the jury was sworn, counsel for the Appellant made a verbal motion to dismiss the case based on the government's failure to comply with the constitutional mandates for discovery, including those set forth in Rule 5 and Brady. In addition to a motion to dismiss, counsel made a motion to suppress any and all evidence sought to be produced that was withheld by the government and not produced in discovery. Further, counsel made a motion for continuance so that he could review any discovery and prepare a defense in this case.

ELECTRONICALLY FILED - 2018 Jul 11 2:16 PM - RICHLAND - COMMON PLEAS - CASE#2017CP4001699
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Despite the government's acknowledgment that it had not complied with discovery in this matter. The trial court denied all of the aforementioned motions. At trial, the presented to the Court several evidentiary items, such as videos, witness testimony, etc., which had not been timely produced in discovery, yet were all admitted at trial over Appellant's objections. The Appellant was convicted and sentenced to thirty (30) days of jail. This appeal followed. Consequent to the filing of this appeal, the transcript of the record of the trial was lost or destroyed and is not available to the Court.

STANDARD OF REVIEW

"In criminal cases, the appellate court sits to review errors of law only." State v. Hewins, 409 S.C. 93, 102, 760 S.E.2d 814, 819 (2014) (citing State v. Wilson, 345 S.C. 1, 5-6, 545 S.E.2d 827, 829 (2001)).

The admission or exclusion of evidence is left to the sound discretion of the trial court, and the court's decision will not be reversed absent an abuse of discretion. State v. Hewins, 409 S.C. 93, 102, 760 S.E.2d 814, 819 (2014) (citing State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006)).

An abuse of discretion occurs when the decision of the trial court is based upon an error of law or upon factual findings that are without evidentiary support. *Id.*

LAW/ANALYSIS

There is no genuine dispute that discovery in this case was not provided to the Appellant in accordance with established law, precedent, and constitutional mandate prior to the established trial date for this case. As such, the consideration in this case revolves around the trial court's handling of this discovery issue. Appellant asserts the trial court erred in failing to dismiss this case, that the trial court erred in failing to suppress any and all evidence that had not been timely

produced in discovery, and, failed in refusing to grant a continuance in this matter. The Respondent consents to a remand of this case based on the lack of an underlying transcript.

In Gibson v. State, the South Carolina Supreme Court acknowledged that

Brady is based on a sense of fairness, and a belief that society gains when a defendant is accorded a fair trial. The focus is not on the misconduct of the Prosecutor, but on the fairness of the procedure.” New York v. Jackson, 154 Misc.2d 718, 593 N.Y.S.2d 410, 417 (Sup.Ct.1992). As the Supreme Court explained in Brady, “[t]he principle ... is not punishment of society for misdeeds of a prosecutor but avoidance of an unfair trial to the accused. **Society wins not only when the guilty are convicted but when criminal trials are fair[.]**” Brady, 373 U.S. at 87, 83 S.Ct. at 1197, 10 L.Ed.2d at 218.

334 S.C. 515, 528, 514 S.E.2d 320, 326–27 (1999) (emphasis added). The treatment of the Appellant in this case was not fair. As such, I find that the trial court abused its discretion in not dismissing this action. In Graham v. Babb, Op No 2010-UP-298 (Ct. App. 2010), the South Carolina Court of Appeals affirmed dismissal on the basis of a discovery violation. The Court cited Rule 37 (b)(2)(C), SCRCP, noting “when a party fails to comply with a discovery order, the trial court has the discretion to impose any sanction it deems just, including dismissal of an action.” In State v. Hewins, 409 S.C. 93, 103, 760 S.E. 2d 814, 819 (2014), the Supreme Court of the State of South Carolina noted that an abuse of discretion occurs when the decision of the trial court is based upon an error of law, or upon factual findings that were without evidentiary support. I find and conclude that the trial judge committed an error and abused its discretion. I find and conclude that this case should be dismissed with prejudice.

CONCLUSION

Therefore, it is hereby ordered, decreed, and adjudged that, this case be dismissed with prejudice. Further ordered that the Appellant’s conviction and thirty (30) day sentence imposed in this matter is hereby vacated.



Richland Common Pleas

Case Caption: City Of Columbia VS Shasha Rawlinson
Case Number: 2017CP4001699
Type: Order/Other

So Ordered

s/L. Casey Manning, 2061

Electronically signed on 2018-06-13 11:12:35 page 5 of 5

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We Are Columbia

Office of the City Attorney
Post Office Box 667 • Columbia, SC 29202 • (803) 737-4242 • Fax (803) 737-4250

July 11, 2018

South Carolina Court Administration
Calhoun Bldg.
1220 Senate Street, Suite 200
Columbia, South Carolina 29201

RE: City of Columbia v. Shasha Rawlinson
C/A No. 2017-CP-40-01699

RECEIVED

JUL 11 2018

SC Court of Appeals

To Whom It May Concern:

Please find enclosed a copy of an email to Elizabeth Harris, requesting a copy of the transcript of the above-referenced appeal heard by Judge L. Casey Manning on April 13, 2018.

Sincerely,

Jess R. Mangum
Assistant City Attorney

JRM/jlh
Enclosure(s) as Stated

cc: South Carolina Court of Appeals
Jerry Finney, Esquire

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Mangum, Jessica R

From: Harris, Elizabeth B. <EHarris@sccourts.org>
Sent: Monday, June 25, 2018 4:42 PM
To: Mangum, Jessica R
Cc: transcripts
Subject: [EXTERNAL] Re: transcript request
Attachments: image002.png

CAUTION: This email originated outside of the organization. Do not click links or open attachments from unknown senders or suspicious emails. Never enter a username or password on a site that you did not knowingly access.

Hello again! It looks like this was a short hearing. Please consider it officially ordered.

Thanks!

Elizabeth

From: Mangum, Jessica R <jrmangum@columbiasc.net>
Sent: Wednesday, June 13, 2018 4:37 PM
To: Harris, Elizabeth B.
Cc: Pleasant, Geraldine S
Subject: transcript request

Elizabeth,

I write to request a transcript for a municipal court appeal heard by Judge Manning on April 13, 2018 at the Richland County courthouse. The case is City of Columbia v. Shasha Rawlinson (2017CP4001699).

Thanks,
Jess

[Description: Description: EmailSignatureLogo.eps]Jessica R. Mangum, Assistant City Attorney City Attorney's Office

Post Office Box 667
Columbia, SC 29202
Phone: 803-737-4242
Fax: 803-737-4250

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SC Court of Appeals

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Office of the City Attorney  
Post Office Box 667 • Columbia, SC 29202 • (803) 737-4242 • Fax (803) 737-4250

July 11, 2018

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RE: City of Columbia v. Shasha Rawlinson  
C/A File No.: 2017-CP-40-01699

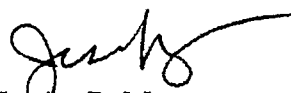
**RECEIVED**  
JUL 11 2018  
SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing is the Notice of Appeal from Common Pleas Regarding a Conviction in Municipal Court in the above referenced matter. Also enclosed is a copy of my correspondence with the court reporter, in which I requested the transcript from the lower court.

Please let me know if you have any questions or if I can be of any further assistance.

Sincerely,

  
Jessica R. Mangum  
Assistant City Attorney

JRM/gsp  
Enclosures as Stated

cc: Jerry Finney, Esquire

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

**RECEIVED**

JUL 17 2018

**SC Court of Appeals**

Appellate Case No.: 2018-001291  
Case No. 2017-CP-40-01699

The City of Columbia .....Appellant,

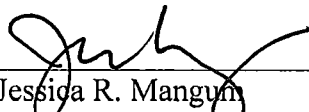
v.

Shasha Rawlinson .....Respondent.

PROOF OF SERVICE

I certify that I have served the *Notice of Appeal* on Shasha Rawlinson by depositing a copy of it in the United States Mail; postage prepaid it to her attorney of record, Jerry Finney, Esquire at his address, 2117 Park Street, Columbia, South Carolina 29201 on July 11, 2018.

July 11, 2018

  
\_\_\_\_\_  
Jessica R. Mangum  
SC Bar No.: 10068  
Office of the City Attorney  
Post Office Box 667  
Columbia, South Carolina 29202  
(803) 737-4242

Attorney for Appellant



Office of the City Attorney  
Post Office Box 667 • Columbia, SC 29202 • (803) 737-4242 • Fax (803) 737-4250

July 17, 2018

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

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JUL 17 2018  
SC Court of Appeals

RE: City of Columbia v. Shasha Rawlinson  
Appellate Case No.: 2018-001291  
C/A File No.: 2017-CP-40-01699

Dear Ms. Kitchings:

Enclosed for filing is the Proof of Service to Respondent and copy of proof of filing copy of the Notice of Appeal with the Clerk of Court for Richland County.

Please let me know if you have any questions or if I can be of any further assistance.

Sincerely,

Jessica R. Mangum  
Assistant City Attorney

JRM/gsp  
Enclosures as Stated

cc: Jerry Finney, Esquire