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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal From Georgetown County
Court of Common Pleas

Benjamin H. Culbertson, Presiding Circuit Court Judge

Case No. 2011 – CP – 22 -1296

Willie Singleton,Appellant.

v.

State of South Carolina.Respondent,

RECORD ON APPEAL

Willie Singleton, Pro Se
501 North Congdon Street
Georgetown, SC 29440
843 359-6363

Robert W. Maring, Esquire
Maring & Moody, Attorney At Law
1130 Highmarket Street
Georgetown, SC 29440
843 545-9544

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2011-CP-22-1296

Willie Lee Singleton
PLAINTIFF(S)

City of Georgetown
DEFENDANT(S)

Submitted by: Benjamin H. Culbertson, Presiding Judge

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), SCRCF; ☐ Rule 41(a), SCRCF (Vol. Nonsuit); ☐ Rule 43(k), SCRCF (Settled); ☐ Other
- ☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCF; ☐ 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

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:

Municipal Court verdict and sentence dated 7/13/2011 is AFFIRMED.

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT 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 (List amount(s) below)
N/A	N/A	\$ N/A
		\$
		\$

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.

Benjamin H. Culbertson
Benjamin H. Culbertson, Circuit Court Judge

2148
Judge Code

April 12, 2012
Date

FILED
 GEORGETOWN COUNTY S.C.
 2012 APR 13 AM 9:03
 CLERK OF COURT
 J. WHITE

For Clerk of Court Office Use Only

This judgment was entered on the 13 day of Apr, 20 12 and a copy mailed first class or placed in the appropriate attorney's box on this 13 day of Apr, 20 12 to attorneys of record or to parties (when appearing pro se) as follows:

Pro Se

Robert W. Maring

Jeff Martin

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter: Grace Hurley

UNIFORM ORDINANCE SUMMONS
City of Georgetown

001295

versus

Last Name <u>Singleton</u>		First Name <u>Willie</u>	Middle Initial <u>L</u>
Address <u>501 N. Congdon Street</u>			
City <u>Georgetown</u>	State/Zip <u>S.C.</u>	Social Security	

YOU ARE SUMMONED TO APPEAR BEFORE THE MUNICIPAL JUDGE AT

City of Georgetown Municipal Court
2222B Highmarket Street, Georgetown, SC 29440

ON	Trial Date <u>10-28-2010</u>	AT	Trial Time <u>9:30</u>	AM PM
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FOR TRIAL FOR VIOLATION OF CITY ORDINANCE:

Ordinance Section # <u>Article II Public Nuisance Sec 11-26</u>	Date Issued <u>9-17-200</u>	Bond Amount <u>1,092.50</u>
Description Of Ordinance <u>Aggressive dog on leash with dog, barking, jumping</u>		
Description Of Violation		
Date Of Violation <u>4-11-2010</u>	Time Of Violation <u>---</u>	AM PM
Location of Violation <u>South Mainway Rd</u>		
Name Of Issuing Officer <u>Travis Grant</u>	Title <u>Code Enforcement</u>	

For Official Use Only

Bond Received \$	Date	By:
Disposition		
Defendant Did Not Appear ☒	Appeared ☐	Date of Disposition <u>7/13/11</u>
Forfeited Bond ☐	Dismissed ☐	Nolle Prosequi ☐
Pled	Nolo Contendere ☐	Guilty ☒
Trial Bench ☐	Jury ☒	Verdict
Fine \$ <u>1092.50</u>	Suspended \$	Amount Collected \$ <u>OK</u>
Sentenced To Jail		Days

Name of Presiding Municipal Court Judge: m

Certified Correct by: hdm Date: 7/13/11

MUNICIPAL COURT COPY

CERTIFIED A TRUE
 AND CORRECT COPY
 ATTEST: Andy Stewart
 MUNICIPAL COURT
 CITY OF GEORGETOWN
7/18/12

STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

STATE

vs.

WILLIE SINGLETON

IN THE CIRCUIT COURT
15th JUDICIAL CIRCUIT

C.A. no. _____

NOTICE OF MOTION AND MOTION
APPELING A DECISION OF
MUNICIPAL COURT

YOU WILL PLEASE TAKE NOTICE, pursuant to RULE 18, Summary Court Judges Bench Book the above-named Defendant, Willie Singleton, will move before this Honorable Court upon ten (30) days' notice or as soon thereafter as possible for an Order reversing the Municipal Court decision and dismissing this action as against this Defendant. Said Motion is made pursuant to the Code of Laws, South Carolina, 1976, § 14-25-65., South Carolina Code of Laws (1976, as amended) § 5-7-80., the City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-26, Public nuisances, City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-33., City of Georgetown Code of Ordinances, Sec. 15-5., the City of Georgetown Code of Ordinances, Section 1-16., and it is based upon the fact that this action is not a proper action before the court. The defendant was charged with violation the City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-26. Public nuisances.

The appeal will be based on several area of the City of Georgetown Code of Ordinances.

Issue I

The first issue is based on the maxim fine charged by Mrs. Grant. The fine far exceeded the fine permitted by the City of Georgetown Code of Ordinances If you read City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2,

Sec. 11-33. Notification procedures. (1) It is unlawful to maintain an unsanitary, unsafe, or unsightly condition upon the premises, and the potential penalties for the violation of local laws; including possible imposition of a fine of five hundred dollars (\$500.00) per day of continued violation;

That set's the maxim fine for a violation of this section of the Code of Ordinances, Chapter 11 at \$500.00 and when read in conjunction with City of Georgetown Code of Ordinances, Sec. 15-5 it give the maximum fine that the court may impose.

City of Georgetown Code of Ordinances, Section 15-5

Sec. 15-5. Maximum penalties that court may impose.

Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine or imprisonment, or both, not to exceed the limits set in section 1-16 of this Code.

The last section that would apply is found in the City of Georgetown Code of Ordinances, Section 1-16

City of Georgetown Code of Ordinances, Section 1-16

Sec. 1-16. General penalty.

(a) Code or ordinance violation; abatement. Whenever in this Code or in any ordinance or resolution of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violator of any such provision of this Code or any such ordinance or resolution shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day any violation of any provision of this Code or of any such ordinance or resolution shall continue shall constitute a separate offense, except as otherwise may be provided. In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or of any such ordinance or resolution shall be deemed a public nuisance and may be abated by the city as provided by law.

The code enforcement officer either knew or should have known that the fines given were far in excess of the \$500.00 maxim allowed by the City of Georgetown Code of Ordinances. Even if the State of South Carolina Code of Law allows a higher fine, so let's look at state law. Code of Laws, South Carolina, 1976, the chapter under municipal courts, § 14-25-65 reveals:

SECTION 14-25-65. Maximum penalties that court may impose; restitution; contempt.

If a municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of the court, he may impose a fine of not more than five hundred dollars or imprisonment for thirty days, or both. In addition, a municipal judge may

order restitution in an amount not to exceed the civil jurisdictional amount of magistrates court provided in Section 22-3-10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.

According to the law, the court can only impose a fine not more than five hundred {\$500.00} the only thing that comes close to the fins impose by Ms. Grant comes from another section of state law. Code of Laws, South Carolina, 1976, the chapter under municipal courts, § 14-1-208 reveals:

SECTION 14-1-208. Additional assessment, municipal court; remittance; disposition; annual audits.

(A) A person who is convicted of, or pleads guilty or nolo contendere to, or forfeits bond for an offense occurring after June 30, 2008, tried in municipal court must pay an amount equal to 107.5 percent of the fine imposed as an assessment. This assessment must be paid to the municipal clerk of court and deposited with the city treasurer for remittance to the State Treasurer. The assessment is based upon that portion of the fine that is not suspended, and assessments must not be waived, reduced, or suspended....

The City of Georgetown limits their fines to \$500.00 and the Code of Laws, South Carolina limits the fines that the City of Georgetown can charge to \$500.00. Now the Code of Laws, South Carolina allows the Court to assess 107.5 percent of the fine as an assessment to the state. Nowhere in that does it allow Mrs. Grant to charge more than \$500.00 as the fine. Even if anyone think that can happen, Take \$500.00 and add 107.5 percent, that would be a total of \$1,035.50 Mrs. Grant fines are even in excess of that. Mrs. Grant has charged one hundred seventeen percent {117%} more than the maxim allowed by law and have been doing that for over four {4} years. The ticket is defective on it's face.

Issue II

This is based on City of Georgetown Code of Ordinances, Section 11-26. Public nuisances. The enabling legislation is based on Section 5-7-80 of the Code of Laws, South Carolina, 1976,

South Carolina Code of Laws (1976, as amended) § 5-7-80. Ordinances relating to upkeep of property within municipality.

(1) Any municipality is authorized to provide by ordinance that the owner of any lot or property in the municipality shall keep such lot or property clean and free of rubbish,

debris and other unhealthy and unsightly material or conditions which constitute a public nuisance.

(2) The municipality may provide by ordinance for notification to the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, may provide the terms and conditions under which employees of the municipality or any person employed for that purpose may go upon the property to correct the conditions and may provide that the cost of such shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.

HISTORY: 1962 Code Section 47-37; 1975 (59) 692.

What is interesting about State Law is the fact that it does not mention anything about houses, trees, shrubbery or things like that. If State law does not mention anything about houses, trees, shrubbery or things like that, how can the code enforcement officer use this section of the City of Georgetown Code of Ordinances to order the demolition of any house within the City of Georgetown?

In 2009 the City of Georgetown tore down a vacant home at 1929 Front Street. Then the City went on and pled guilty to violating State law in the demolition of the home. As a result of that case the City of Georgetown was required by the State to adopt the proper laws as it relates to demolition of homes in the City of Georgetown. If you look in the City of Georgetown Code of Ordinances, Chapter 5, you will find such a section. For the past few years Mrs. Grant has been ordering the demolition of home, outside the scope of her official duty and outside of the law.

City of Georgetown Code of Ordinances, Chapter 11, Article II, Division 2, Sec. 11-26. Public nuisances.

Sec. 11-26. Public nuisances.

In accordance with Section 5-7-80 of the Code of Laws, South Carolina, 1976, conditions on private property constituting a danger to human life, safety, or health are hereby declared to be public nuisances and hazards to public health. These shall include, but not be limited to, the following:

- (1) Unsanitary conditions created by the improper disposal of waste, human or otherwise;*
- (2) The accumulation of water from any cause, which may promote the breeding of mosquito larvae;*
- (3) Any building or part of any building which, on account of its condition, its occupancy or use, may endanger life or health;*
- (4) The discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that may endanger human life or health;*

- (5) The handling or storage of any material that may endanger life or health;*
 - (6) Any business, industry or individual which causes dust, vapors, gases or any by-product that may be detrimental to life or health or that are obnoxious or objectionable to the esthetic senses;*
 - (7) Any property, whether occupied or vacant, upon which grass, weeds or undergrowth exceeding eighteen (18) inches in height, trash, garbage, offal, stagnant water, building materials, glass, wood, metal or other matter deleterious to good health and public sanitation is permitted or caused to accumulate in any manner which is or may become a nuisance causing injuries or sickness to the public or neighboring property;*
 - (8) Any property which, because of its condition, may promote the breeding or harborage of flies, rats, snakes, vermin or other insects and animals.*
- (Ord. of 12-15-94)*

Issue III

According to the deed prepared by Judge Robert O'Donnell, Willie Singleton does not own the property.

For the reasons, the defendant moves the court as follows:

1. To determine that the action before the Municipal Court is not a proper action before the court.
2. To determine and dismiss the action on the ground that the State is not legally entitled to receive a court-imposed remedy, regardless of the veracity of the facts.
3. To determine and dismiss the action on the ground that the current State Law does not provide for such an action.
4. To determine and dismiss the action on the ground that the City of Georgetown Code of Ordinances does not provide for such an action.
5. To determine and dismiss the action on the ground that according to the deed prepared by Judge Robert O'Donnell, Willie Singleton does not own the property.

For the reasons stated, it is respectfully submitted that the issues are ripe for review and asking the Court to address them, grant the Defendant motion and enter an order to dismiss with prejudices.

Respectfully submitted,

Willie Singleton, Pro Se
501 North Congdon Street
Georgetown, SC 29440
843 340-1354

STATE OF SOUTH CAROLINA
COUNTY/CITY OF GEORGETOWN

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

SUMMARY COURT SUMMONS

STATE VS.	Willie Lee Singleton
CASE #(S)	1295
OFFICER	Grant, Janet
AGENCY	Georgetown Police Department
CHARGE	Ordinance / Prohibition against maintaining nuisances

Please be advised that the above referenced case(s) has been continued from its original trial date and is now scheduled to be heard on **October 28, 2010 at 9:30 AM.**

You are hereby summoned to appear in the **Georgetown County/City Georgetown Municipal Court Court, 2222-B Highmarket Street , Georgetown, SC** on that date. Please notify any witnesses you may have of the change in trial date.

**HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN SUCH CASES
MADE AND PROVIDED.**



JUDGE

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

September 24, 2010

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN) 2011-CP-22-1296
Willie Lee Singleton,)
Plaintiff,) Transcript of Record
vs.) Hearing
State of South Carolina,) April 12, 2012
Defendant.)

B E F O R E :

Honorable Benjamin H. Culbertson
Georgetown County Courthouse
Georgetown, South Carolina

A P P E A R A N C E S:

Plaintiff Appearing Pro Se

Jeffrey M. Martin, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

1 (There were no exhibits marked during the hearing.)

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1 (On the record, April 12, 2012.)

2 THE COURT: All right, the next one is 2011-CP-22-
3 1296, this is the case of Willie Lee Singleton versus City of
4 Georgetown.

5 All right, this is an appeal from the magistrate court
6 from a ---

7 MR. MARTIN: Municipal court, Your Honor.

8 THE COURT: All right, all right, Mr. Singleton,
9 you're Mr. Singleton?

10 MR. SINGLETON: Yes, I am, yes, sir.

11 THE COURT: All right, sir, and you are ---

12 MR. MARTIN: Jeff Martin here on behalf of Robert
13 Maring, Your Honor.

14 THE COURT: All right, all right, Mr. Singleton, this
15 is your appeal?

16 MR. SINGLETON: Yes, sir.

17 THE COURT: All right, let me hear from you.

18 MR. SINGLETON: Yes, Your Honor, I was issued a
19 ticket by Ms. Grant briefly for over \$1,000 and by law she can
20 only charge 500.

21 I appeared at the court several times and the trial was
22 postponed and they didn't send me - I didn't get the last
23 notice I think about the fourth time and I went to Judge
24 O'Donnell and informed him of that and that's when he told me
25 to go and see his secretary and apply for the appeal and one

1 of the problem is that the property that they give me a ticket
2 for I don't even own the property.

3 THE COURT: All right.

4 MR. SINGLETON: And by law only the judge can give
5 me, can fine me over \$500 after I'm found guilty. The city
6 can only give me a ticket for \$500.

7 THE COURT: All right, anything else?

8 MR. SINGLETON: I have, yes, sir, I have proof that I
9 - I have proof also that I don't own the property. Also I
10 have proof that the ---

11 THE COURT: But I mean did you present that to the
12 city judge?

13 MR. SINGLETON: I was never, I was never allowed
14 ---

15 THE COURT: All I, all ---

16 MR. SINGLETON: --- to do that because they didn't
17 send me a notice of the trial.

18 THE COURT: So, you weren't at the trial of the
19 case?

20 MR. SINGLETON: I weren't at the trial. I went there
21 four times when I got notices before and when I went there
22 then the last time they didn't send me a notice and that's
23 when Judge O'Donnell told me to go by his office and they
24 would file the appeal.

25 THE COURT: All right.

1 MR. SINGLETON: And I have the, I have the proof
2 here also on the ticket, Ms. Janet Grant said on the
3 ticket that I had to demolish a house that I owned and
4 according to state law only the building official can give
5 that order. I have a copy here of a order from the state that
6 was given to Ms. Janice Grant informing her that she could not
7 do that. It's a decease and - it's a order of cease and
8 desist.

9 THE COURT: Well, now, who is Janet Grant?

10 MR. SINGLETON: Janet Grant is the - she's the
11 ordinance - she goes around writing tickets for grass,
12 overgrown yards, and she doesn't have the right as far as the
13 law to conduct herself as a building official and that's why
14 the state came down and gave her a cease and desist order and
15 so when she wrote the ticket telling me to demolish the house
16 I informed her that only a building official according to
17 state law can order me to demolish a house and he has to go
18 through the abatement which is a process whereas he has to go
19 in, inspect the house and then give me a list of things that I
20 need to do, and then if I choose not to then there's a process
21 that has - that I have to go through to appeal it, and then if
22 I don't want to appeal it then I can fix the house but there's
23 a process that they have to go through when they order a house
24 to be demolished. As a matter of a fact I'm in court now
25 about that same thing, they pled guilty to illegally

1 demolishing a house of mine and they signed a consent order
2 saying that they did not go according to state laws. So, Ms.
3 Janice Grant know that she does not have the power to write
4 tickets ordering houses to be demolished. I wrote under the
5 Freedom of Information Act to the City of Georgetown and asked
6 them to give me an ordinance that says Janet Grant, also, has
7 the right to write a ticket over \$500 and they don't have
8 one.

9 THE COURT: All right, anything else?

10 MR. SINGLETON: That's it at this present time. I
11 have copies of everything that I said, even showing that I
12 don't own the property, and I need to say, too, I bought the
13 property - I paid for the property, and if you would like to
14 see a copy of the map, I paid for this property and I bought
15 the property through Robert O'Donnell because O'Donnell was
16 the attorney for Aleck Alford and what happened was he did not
17 file the contract with the court and the court sold part of
18 the property on taxes and Mr. Swinney from Andrews owns half
19 of that property and I only own one-third of it and the other
20 third belonged to Ms. Cleo Alford and her son because
21 O'Donnell when - because he did not file the papers with the
22 court and the court sold half of the property when I completed
23 my payments instead of and this is an issue for another court,
24 instead of deeding the property over to me, when they realized
25 that the court had sold half of the property to Mr. Swinney

1 what they did was they gave me a small part which is about
2 one-sixth of the property on the deed, and I wrote Attorney
3 O'Donnell a letter informing him that I was aware of what he
4 had done and I have a copy of the letter right here stating,
5 showing that I informed him that what he did with the
6 property was not, was not proper. So, everybody in town
7 know that I paid for the property but legally when you go
8 to the courthouse and check I don't even own the
9 property.

10 THE COURT: All right.

11 All right, Mr. Martin.

12 MR. MARTIN: Your Honor, first and foremost, this
13 case - Mr. Singleton was given a summons in October, and in
14 response to receiving that summons showed up and requested a
15 continuance, which was granted. Correspondence between the
16 city and the court has been going to the same 501 North - I
17 believe it's Congdon Street in Georgetown. The same summons
18 was sent for his July 13th appearance. He failed to appear.
19 The summons stated that his failure to appear means he
20 will be tried in absence. Judge found on the record that
21 proper notice was sent. He failed to appear. He was tried
22 in absence. Furthermore, Your Honor, he failed to - he
23 didn't file an intent to appeal within the ten-day
24 period. So, he's waived his right to appeal, Your
25 Honor.

1 All this collateral matter regarding who has the property
2 and everything else that he is - nothing is preserved for
3 appeal at this point, Your Honor. Had he shown up and
4 preserved everything for appeal then those issues would be
5 available to him at this time.

6 THE COURT: Well, when was he notified of the judge's
7 decision?

8 MR. MARTIN: Your Honor, I believe it was July 13th a
9 - it's in, it's in the record sent from the magistrate's -
10 or from the, from the municipal court, Your Honor. I
11 don't have the date on me. I don't have the date in front
12 of me but I believe it was July 13th, 2011, he was
13 notified.

14 MR. SINGLETON: Your Honor, may I address the Court,
15 please?

16 THE COURT: Wait a minute, let me look.

17 All right, well, what about the fine amount where he says
18 that it's in excess of fine?

19 MR. MARTIN: Your Honor, that ordinance says \$500
20 per day. If I understand his, his appeal, I think his
21 reading is saying that he can't be fined more than \$500 in
22 total but the ordinance that he cited in his appeal states
23 \$500 per day while in violation. Ms. Grant, obviously, just
24 you can read from the, from the record sent multiple, for
25 years to be honest with you, Your Honor, notices regarding

1 this overgrown property and also need to state even though
2 obviously I don't believe it's preserved for appeal by any
3 means that, that fine had everything to do with his overgrown
4 shrubbery and trees, not the demolition of the house, Your
5 Honor, that \$1092.

6 MR. SINGLETON: Your Honor, may I speak,
7 please?

8 THE COURT: All right, hold for one second. Let me
9 take a look.

10 All right, I see where the Court issued its decision, the
11 record on appeal. It shows on July the 13th, but it doesn't
12 show when he was notified of that decision.

13 MR. MARTIN: Your Honor, I do not see that in the
14 record. Again, Your Honor, nevertheless, he was still given
15 adequate notice of the trial and failed to appear.

16 THE COURT: Okay, all right, Mr. Singleton, anything
17 in response?

18 MR. SINGLETON: Yes, sir, also, Your Honor, when you
19 - if you look at the ticket he's not correct. The house was
20 on the ticket, that she put the house on the ticket and the
21 ticket itself is poison because she legally cannot do that.
22 She, she combined the, the house with the lot and he say it's
23 trees and shrubbery. Actually, Your Honor, there's a law
24 which consists, is naturalized lots and you can ride from any
25 end of this town in four directions and you'll see about 300

1 naturalized lots and they cannot write tickets for lots with
2 trees and shrubberies. Also, Your Honor, the day that I
3 received the notice I went to Robert O'Donnell's office and
4 Houston versus Lack says that I should, I should, should, the
5 Court should be lenient towards me from the mere fact that the
6 day that they sent me that notice I went to him and informed
7 him that they did not send me a notice through the mail for me
8 to go to that trial. I been to trial several times and the
9 reason why the trial was postponed was because the state was
10 investigating Ms. Grant at the time, and as far as him saying
11 that they sent me - she sent tickets and the law says 500 a
12 day, there's no law on the book that gives her the right to
13 write a ticket over \$500. If she gives a ticket for \$2000 it
14 has to be \$500 per day. She cannot - when she write the
15 ticket with not guilty of the offense until after we go to
16 court and then the judge has the power to take the ticket to a
17 higher price but she doesn't. She cannot write a ticket for
18 over \$500.

19 THE COURT: All right.

20 MR. SINGLETON: And I understand that per day is the
21 language but the language also is \$500. She can't write it
22 over that. She cannot write tickets for eleven hundred and
23 some odd dollars and he can't show you in the ordinance for
24 the City of Georgetown where it says that she can write a
25 ticket for over \$500.

1 THE COURT: All right, anything else?

2 MR. MARTIN: Nothing else, Your Honor.

3 THE COURT: All right, the charge - the fine that
4 he paid is that the \$500 fine plus assessments or was he
5 charged fine multiple times. I know that every time,
6 every ticket has additional assessments tacked on by the
7 legislature.

8 MR. MARTIN: I believe, Your Honor, I believe it's the
9 fine plus the assessments.

10 MR. SINGLETON: Your Honor, may I speak?

11 THE COURT: Okay. Well, no, what I'm going to do is
12 I'm going to take it under advisement and take a look at it.
13 That's what I'm looking to see is whether or not the 1092 -
14 I've got a - Mr. Singleton, I've got a feeling that that \$1092
15 fine, you paid a \$500 fine, then the legislature has all of
16 these assessments that goes on to every fine that's built into
17 state law.

18 MR. SINGLETON: Yes, sir, Your Honor, but I never -
19 what it is I never paid a fine. She wrote a ticket for that
20 amount. I understand.

21 THE COURT: Well, and that's what they do.

22 MR. SINGLETON: No, she, she wrote - she - the judge
23 didn't ---

24 THE COURT: And I understand that.

25 MR. SINGLETON: Right.

1 THE COURT: But if you get, you get a traffic ticket
2 what's going to happen is the highway patrolman is going
3 to put the total amount you have to pay. It's going to
4 include the fine plus all the assessments that go along with
5 that.

6 MR. SINGLETON: I know but the state law says that
7 only you have the power to but I'll let you ---

8 THE COURT: That's right.

9 MR. SINGLETON: --- I mean, you have to ---

10 THE COURT: All they're doing - you're right. The
11 judge is the one that has the power to impose it; and so,
12 she's not imposing it. She's just giving you notice as to
13 what it's going to cost if you are convicted of that because I
14 see in here where Judge O'Donnell where he signed off and
15 fined you the total charge being the 1092. Now, what I've got
16 to do is check to see if that's the fine plus the assessments
17 or whether or not that was the fine; okay?

18 MR. SINGLETON: Yes, yes, sir, may I say one more
19 thing?

20 THE COURT: All right, sir.

21 MR. SINGLETON: Even, and this is the last, even the,
22 even - the amount of the ticket is beyond what Judge O'Donnell
23 or you have the power to assess on top of the \$500. That's
24 another problem.

25 THE COURT: Okay, so, what is the total

1 assessments?

2 MR. SINGLETON: The total assessments should, should
3 be, I think, I have to go back. It's in, it's in my, in my -
4 in the report that I gave you.

5 THE COURT: Yeah, and I don't think that's right

6 ---

7 MR. SINGLETON: It's, it's, it's beyond ---

8 THE COURT: --- because you had like 11 percent or
9 something like that.

10 MR. SINGLETON: Right, it's beyond that's the state
11 law and the ticket that she wrote is beyond what even you have
12 the power to assess ---

13 THE COURT: Oh, okay.

14 MR. SINGLETON: --- me after, after I'm found guilty
15 it's more than that. It's more than the law allows, the
16 ticket.

17 THE COURT: Well, you know, I'm not so sure.

18 MR. SINGLETON: Well, you can, right, you can check
19 it.

20 THE COURT: I know, I know a \$400 ticket usually
21 equates into about a eight hundred and something dollar
22 payment. So, but I'll check on that; okay?

23 MR. SINGLETON: Okay.

24 MR. MARTIN: Thank you, Your Honor.

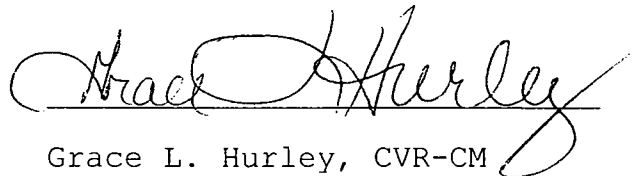
25 THE COURT: All right, thank you.

1 MR. SINGLETON: Thank you.
2 (Adjourned.)
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C E R T I F I C A T E

I, the undersigned, Grace L. Hurley, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of Willie Lee Singleton versus State of South Carolina, held in the Court of Common Pleas for Georgetown County, Georgetown County Courthouse, Georgetown, South Carolina, on April 12, 2012.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.

A handwritten signature in cursive script, reading "Grace L. Hurley", is written over a horizontal line.

Grace L. Hurley, CVR-CM

Official Reporter

August 21, 2012.



City of Georgetown
Public Works Department
P.O. Box 939
Georgetown, SC 29442
843 545-4012 or 843 545-4700

July 28, 2010

Overgrown Lot- grass need cutting from front property line to rear property line and a dilapidated structure need to be removed.

Willie L. Singleton
501 N. Congdon Street
Georgetown, SC 29440

Dear Willie L. Singleton:

Please be aware that your property located on S. Merriman Rd. Georgetown, SC TMS# 5-22-26 is in violation of the City of Georgetown's Property Conditions Constituting A Nuisance of the City of Georgetown's Overgrown Lot.

Please remove all litter and solid waste material from the lot before cutting or after cutting if this applies to your property. The lot must be cleaned of all debris and litter and removed by August 20, 2010. Please disregard this letter if you have cleaned the lot prior to receiving this letter.

If you should have any questions regarding the above information please contact me at the Public Works Department at 843 545-4012 City Hall. Thank you in advance for your cooperation.

Respectfully,


Janet Grant
Code Enforcement

PROOF OF SERVICE OF RECORD ON APPEAL

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Appeal From Georgetown County
Court of Common Pleas

RECEIVED

OCT 28 2013

Benjamin H. Culbertson, Presiding Circuit Court Judge

SC Court of Appeals

Case No. 2011 – CP – 22- 1296

Willie Singleton,

Appellant.

v.

City of Georgetown Code Enforcement Officer Janet Grant, et. al.

Respondent,

PROOF OF SERVICE

I certify that I have served the Record On Appeal on City of Georgetown Code Enforcement Officer Janet Grant, et. al. by hand delivering a copy of it on October 22, 2013, addressed to their attorney of record, Robert Maring, 1130 Highmarket Street, Georgetown, SC 29440

October 22, 2013

s/ Willie Singleton

Willie Singleton, Pro Se
501 North Condon Street
Georgetown, SC 29440
843 359-6363