

Order Dismissing Appeal

From: Courtmail07_DoNotReply@sccourts.org (courtmail07_donotreply@sccourts.org)

To: jossunn1095@yahoo.com

Cc: jbrownne@bcgov.net

Date: Wednesday, January 29, 2020, 10:31 AM EST

Mr. Sun:

Please see the attached copy of the Order dismissing your appeal.

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2019CP0701020_ORDER_1577378189822-835.PDF
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Please inform me the
timeline for filing the Appellants
Brief. Thank You.

A handwritten signature in black ink, appearing to read 'Joe Sun' with a stylized flourish.
JOE SUN

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)
Joseph Sun,)
Plaintiff(s),)
vs.)
State of South Carolina,)
Defendant(s).)

IN THE COURT OF COMMON PLEAS
CASE NO: 2019-CP-07-01020

ORDER DISMISSING APPEAL
FOR LACK OF JURISDICTION

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This came before December 18th, 2019. The Appellant, Mr. Joseph Sun was in attendance, pro-se. The state was represented by Mary Jordan Lempesis.

This matter has a complicated history, but in summary: The initial traffic conviction was appealed to this Court, which ruled for the State. Mr. Sun then appealed. The Court of Appeals (by Order dated February 28th, 2019) Ordered that the appeal would be held in abeyance "...and the case remanded for the limited purpose of allowing the Court to rule on Appellant's Motion for a New Trial." (The "Court" in this phrase would be the Magistrate's Court)

Pursuant to the Order of the Court of Appeals, the Magistrate's Court thereafter took up and ruled upon the Motion for a New Trial, denying the same. That Order, captioned "Order on Motion for New Trial" was filed April 4th, 2019.

Mr. Sun filed this Appeal to the Circuit Court on the "Order on Motion for New Trial" which appeal is now before this Court.

After review, I find that this Court has no jurisdiction to hear this Appeal, as the clear mandate of the Court of Appeals was to remand to the Magistrate's Court for a "limited purpose" which was accomplished upon the Magistrate's Court filing of the "Order on Motion for New Trial".

I therefore dismiss this Circuit Court Appeal, case number 2019CP071020, without prejudice.

Further matters in this case are within the jurisdiction of the Court of Appeals.

IT IS SO ORDERED:

**Honorable Marvin H. Dukes, III
Master in Equity and Special Circuit Court
Judge for Beaufort County**

December 19, 2019
Beaufort, South Carolina

J. C. Sun
P. O. Box 2543
Bluffton, SC 29910

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SC Court of Appeals

Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

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