

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
COURT NO. 13**

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|-------------------|---|-------------------------|
| MS.JINGYI WEN | § | |
| Plaintiff Below, | § | |
| Appellee | § | |
| | § | |
| VS | § | C.A. No. JP13-24-006541 |
| | § | |
| | § | |
| MR.RALPH JENNINGS | § | |
| Defendant Below, | § | |
| Appellee | § | |
| | | |
| MS. KELLY BEWLEY | | |
| Litigant Below, | | |
| Appellant | | |

TRIAL DE NOVO

Submitted: August 28, 2024
Decided: September 25, 2024

APPEARANCES:

Jingyi Wen, Plaintiff, appeared represented by attorney J Jackson Shrum, Esquire
Ralph Jennings, Defendant, appeared Pro se
Kelly Bewley, Litigant, failed to appear

Sean McCormick, Deputy Chief Magistrate, Justice of the Peace
Peter Burcat, Justice of the Peace
Rodney Vodery, Justice of the Peace

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6CF14A3J (3/1/19)

**JUSTICE OF THE PEACE COURT OF THE STATE OF DELAWARE
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COURT NO. 13**

CIVIL ACTION NO: JP13-24-006541

JINGYI WEN V. RALPH JENNINGS

ORDER ON TRIAL DE NOVO

The Court has entered a judgment or order in the following form:

A three-judge panel consisting of Deputy Chief Magistrate Sean McCormick and Judges Peter Burcat and Rodney Vodery convened to consider the above-captioned matter. The Appellant in this matter was one Kelly Bewley. Ms. Bewley had originally been listed as a litigant in the matter but was dismissed as a party by the court below when it determined that Ms. Bewley was not listed as a signatory to the lease in question but rather simply as an occupant. Ms. Bewley desired standing to contest the claim, hence her appeal.

The Court below heard the matter, originally captioned as Jingyi Wen v. Ralph Jennings of 1 Terry Court New Castle and Kelly Bewley of 11 Thistle Court Wilmington, on July 22, 2024 and issued a final opinion on July 30, 2024. Mr. Wen was represented by “J” Jackson Shrum, Esq.; the Defendants appeared pro se. The rental property in question was the Thistle Court property. Mr. Wen had leased the property to Ralph Jennings pursuant to written lease agreements executed and updated over the course of several years, first in 2020 and again in 2021 and 2023. In all three leases Ms. Bewley is listed as an “occupant.” She acknowledged before the court below that she had never executed any of the leases and had never paid rent. In 2023, the relationship between Jennings and Bewley soured; he finally moved out of the unit in November of 2023 and took up residence on Terry Court, New Castle. Bewley refused to vacate the unit, hence this litigation. Judgment in the court below was levied against Jennings in the amount of \$13,533.33 plus the cost of filing, per diem rent, interest on the debt and possession of the Thistle Court residence to the Plaintiff. As was previously stated, given that Bewley was not a signatory to the lease the court below held that “this Court has no jurisdiction over Defendant Kelly Bewley in regard to the summary possession action. The Court notes that Ms. Bewley does not claim to be an owner of the property. Therefore as an initial matter, Ms. Bewley is dismissed as a party to the action.” The Court went on to say further that “This finding does not preclude Plaintiff Wen from proceeding with a future alternate legal process in a Court of proper jurisdiction or from taking other appropriate legal measures to remove Defendant Bewley from the premises. It merely means that this Court does not have the jurisdiction to enter a Summary Possession Order against Defendant Bewley as she is not a legal tenant in the home.” It would seem that the Plaintiff took those words to heart. The Court was later advised in the form of her appeal that Bewley was physically removed from the Thistle Court property by “various and sundry actors and agents” of the New Castle County Police on Saturday, August 3, 2024. Bewley filed a timely appeal on August 6, 2024, presumably with the intent of being placed back into the residence. Jennings did not file anything.

When the appeal was called on August 28, 2024 Bewley failed to appear. Jennings did, advising that he intended to contest the rental debt since he had not resided in the property since

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November of 2023. Unfortunately, he had not sought an appeal – and as such, his dispute was disallowed. The appeal was then dismissed in that the Appellant, Bewley, failed to present her case.

IT IS SO ORDERED 25th day of September, 2024

/s/ Sean McCormick

Deputy Chief Magistrate

On Behalf of Three Judge-Panel



Information on post-judgment procedures for default judgment on Trial De Novo is found in the attached sheet entitled Justice of the Peace Courts Civil Post-Judgment Procedures Three Judge Panel (J.P. Civ. Form No. 14A3J).

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