

BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2013-001072

The City of Columbia,

Respondent,

v.

William K. Wilson,

Appellant.

REPLY BRIEF OF APPELLANT

William K. Wilson
7106 Sunview Circle
Columbia, South Carolina 29209
(803) 776-5594

RECEIVED

JUL 22 2013

SC Court of Appeals

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STATUTES

S.C. Code Ann. § 56-5-2120

S.C. Code Ann. § 56-5-2150

ARGUMENTS

I THE OTHER VEHICLE WAS Not HIT IN THE REAR.

The respondent states as fact that I stuck the other vehicle in the rear. This leads you to believe it was a rear end collision. This is not true. The officer testified that I "hit him along the back end". The collision occurred while the other vehicle was perpendicular to my vehicle and the impact and damage to his vehicle was the passenger's rear quarter panel. The photos of the damage show damage on the side and the drawings on the officers Collision Report is not a rear end collision

II The accident occurred after the road widened.

The respondent states as fact that the officer rebutted my claim that the collision occurred prior to where the lanes widens. The quote her refers to on page 5 lines 19 – 21 says " your honor, it does change into the three lanes to make a right-hand turn, to make a left-hand turn or to go straightaway. He hit prior to the lines changing". The key word here is the lines. The lanes were there but the lines had not been marked Section 56-5-2120 does not require the lines to be marked. The road had widened and we were in separate lanes. I was in the far right lane and the other vehicle was in the far left lane before turning. At the time of impact the other vehicle was perpendicular to my vehicle. On the day of the accident the training officer stated that drivers could not use the expanded roadway until the lanes were clearly marked with white lines. The road had expanded but the lines but the white lines had not started. I tried to point out to the court on page 7 lines 5 – 6 that you do not have to wait until the lanes are marked.

III Respondent argues that I did not raise the argument of section 56-5-2120 at trial.

When I started introducing evidence in my defense Officer Robinson said on page 5 line 19 - 21 that "prior to where the lines changing". After a couple of questions the Judge finds me guilty on page 6 line 20 because the "accident happened prior to the lanes changing to three lanes". I had not finished presenting my case and had other exhibits which the Judge did not examine including one of the debris piles which showed the other vehicles had made a semi circle to make the right turn and a copy of section 56-5-2120 (required position and method of turning for right turns). I asked if I could submit one more thing which was section 56-5-2120 on page 6 line 24. On page 7 line 2 Officer Robinson asked that the court not consider section 56-5-2120 because " That's still applicable to the lane changing." Page 7 line 7 the Judge says "I've made my ruling. It occurred before the lanes changed to three lanes."

On the day of the accident the officers told me that I was being charged because it happened before the lanes were clearly marked for three lanes. I did not get a chance to point this out or to question the officer about this wording change. This may only be a matter of semantics. The aerial photos clearly show three lanes exist at the point of the collision but the lanes are not marked at that point. Therefore it is wrong to say that the collision occurred before the road changed. The collision did occur before the lanes were marked. The lanes not being is irrelevant in section 56-5-2120.

IV. RESPONDENT ARGUES THAT OFFICER ROBINSON REBUTTED MY CLAIMS BY INFORMING THE TRIAL COURT THAT THE ACCIDENT OCCURRED PRIOR TO THE TO AREA WHERE THE LANES WIDEN.

Officer Robinson is arguing that the collision occurred before the three lanes were marked with white lines. The fact that I was in one lane and the other vehicle was in another lane is evidence that there was more than one lane at the point of collision and photos show that it was three lanes but the white line were a few

feet ahead. Both vehicles were either making or in the process of making right turns and section 56-5-2120 governs right turns. When I asked the court to consider section 56-5-2120 Officer Robinson asked the Court not to consider the section on page 7 line 2.

V. Charge

I was charged with too fast for condition but speed was not a factor in the collision, the citation or the verdict. This case is about right turns and should be decided under section 56-5-2120.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the municipal court or dismiss the charge.

Respectfully submitted,

July 22, 2013

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Appellant

PROOF OF SERVICE OF REPLY BRIEF

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PROOF OF SERVICE

I certify that I have served the initial brief of appellant on the City of Columbia by depositing a copy of it in the United States Mail, postage prepaid, on July 22, 2013, addressed to Office of City Attorney, Post Office Box 667, Columbia, South Carolina 29202.

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