

**PETITION FOR A WRIT OF CERTIORARI  
IN POST-CONVICTION RELIEF ACTIONS**

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM CITY OF COLUMBIA  
MUNICIPAL COURT

Michelle Hurley, Municipal Court Judge

Case No. 2012-CP-40-06803

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City of Columbia,

Respondent,

v.

William K. Wilson,

Petitioner.

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PETITION FOR A WRIT OF CERTIORARI

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

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**RECEIVED**

JUN 18 2014

**SC Court of Appeals**

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## CERTIFICATE OF COUNSEL

Petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on May 20, 2014.

### QUESTIONS PRESENTED

1. Did the court err when the ruling of the court is not based on the charge?
2. Did the court err in not requiring the officer in charge on the day of the arrest to be in court and to testify and available for questioning?
3. Did the court err in not allowing me to present and argue the code section that applies to right turns and preparations for right turns and to fully present my case?

### STATEMENT OF THE CASE

On June 22, 2012 I was traveling South on Hazelwood Road in Columbia at a safe distance and speed behind the vehicle in front of me. The road began to widen in front of me as it approached Hwy 378/76. At the intersection Hazelwood Road changed from a one lane road to a three lanes. There is one lane to turn left, one lane to go straight and one lane to turn right.

Before the road begins to widen the right lane is approximately 9 feet wide. At the point where the collision occurred the right lane had widened to approximately 29 feet or more than 3 times as wide as when the one lane is marked with a white line as a single lane.

As the road widened I began moving my vehicle to the right approaching the right lane for a right turn and signaling to turn right. The vehicle in front of me stayed on the center line (with no signal or indication of right turn movements) and made an abrupt right into the Bojangles restaurant making his vehicle vertical to my vehicle as he made his way from the center of the road to the side of the road. I was unable to fully stop and the front of my vehicle collided with the rear passenger side of his vehicle as it passed across in front of me.

Two city officers arrived on the scene, Officer Rivers and Officer Robinson. Officer Rivers was in charge and interviewed the other diver and determined that I was in the wrong and instructed Officer Robinson to write me a citation since he had written all of the earlier citations. I asked why I was being cited and he said that it was because the lanes were not marked at the point of the collision. When I said I did not think that was a valid reason he said that anyone who had a rear end collision was automatically wrong. I pointed out that the damage to the other vehicle was on the side of the vehicle and not the rear of the vehicle.

It was at that point that Officer Rivers made his first inspection of the vehicles and again began discussing the accident with the other driver. I took a photo of him doing that inspection after the citation and had that photo in court but Officer Rivers did not show up in court for questioning. Officer Robinson was in court to relay Officer Rivers' interpretation of the law to the court. I asked the court why Officer Rivers was not in court but did not receive an answer. The docket was under his name so the transcript just refers to Officer Robinson as Unidentified Officer.

The Court of Appeals affirmed the judgment of the circuit court. City of Columbia v William K. Wilson Case No. 2012-CP-40-06803). Petitioner seeks a writ of certiorari to review that decision.

#### ARGUMENT

1. The charge against me was "driving too fast for conditions". On page 6, line 20 of the transcript reads- "**THE COURT** : Okay. Mr. Wilson, It appears it did occur prior to the lanes changing to three lanes. I am going to find you guilty". Therefore I was found guilty of moving to the right before the three lanes were marked in preparation for a turn which is not against South Carolina law. There was no testimony about speed in the transcript.

The road had clearly widened at that point. When the road was marked as one lane the lane was approximately 9 feet wide. At the point of the collision the transition area from the marked one lane to marked three lanes was approximately 29 feet wide or more than 3 times wider than the previously marked one lane but it had not yet been marked as three lanes. The dispute is over how the transition area can be used. I agree the lanes had not been marked at the point of the collision and the photos that I submitted clearly show that. It does not matter if the lanes were marked as three lanes or not. I did not say at any point in the transcript that the area had widened to three lanes. I referred to the area as a transition area between the one lane and the upcoming three lanes where the road widened. The officer (who was in court) used the term three lanes interpreting the law to mean that I could not use the transition area to begin moving right in preparation for a right turn because the three lanes had not been marked with white lines at that point. The court agreed with that officer and used the three lane wording in verdict. The number of marked lanes at the point of the collision is not important. The physical area that is present must be used in compliance with South Carolina laws and that means in compliance with section 56-5-2120. That area was approximately 29 feet wide. I should have been allowed to present and argue section 56-5-2120 which governs right turns preparations for right turns.

The collision report says the speed limit is 35 and my estimated speed at 30. There is no testimony about speed. The transcript will show that Officer Robinson is only concerned with not allowing me to submit section 56-5-2120 as a defense which she says pertains to lane changes.

Officer Rivers was in charge the day of the accident and conducted the interview with the other driver but did not show up in court. I asked for an explanation from the court but did not receive one. The case was in Officer Rivers' name. After I asked for an explanation why he was not in court his name was removed from the case and the transcript just shows unnamed officer when Officer Robinson talks. Therefore Officer Robinson's testimony about any facts in the case are relayed from Officer Rivers and become hearsay. I should have moved for the case to be dismissed or delayed until Officer Rivers could be in court. Officer Robinson is also relaying Officer Rivers' opinion of the South Carolina turning laws which the Municipal Court upheld. I think the verdict is based on hearsay evidence and opinion of the law being relayed in court by Officer Robinson.

The transcript will show that the court also told the other driver that he did not need to testify and then did not allow me an opportunity to question him why he did not give a signal during 125 foot approach when the road was widening and made his turn from the center of the road.

2. I was interrupted in mid sentence with the verdict and not allowed to fully present and argue my case or question the officer who was present or the other driver.
3. After the ruling I did timely object and asked to submit and argue section 56-5-2120 but was overruled (Page 6, lines 24 – Page 7, lines 10) and did timely put the court on notice that I would appeal the court errors (Page 7, lines 11- 21).

CONCLUSION

For the reasons stated, petitioner asks the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

June 16, 2014

A handwritten signature in black ink, appearing to read "William K. Wilson", written over a horizontal line.

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Petitioner

## South Carolina Code 56-5-2120. Required position and method of turning

The driver of a vehicle intending to turn shall do so as follows:

- (a) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

The Google Earth photo below shows the accident site. Both vehicles were traveling South on Hazelwood Drive toward Hwy 378 / 76. I was preparing to turn right on Hwy 378. The vehicle in front of me decided to abruptly turn into the Bojangles restaurant.

It is approximately 125 feet from where the white line for one lane ends to the driveway entrance to Bojangles. A turn signal should have given for 100 feet of this distance if the driver knew where he planned to turn. The width of the one lane on Hazelwood Road is approximately 9 feet. The width of the road on the right side where the collision occurred at the driveway has been widened to approximately 29 feet which is over 3 times the width of the one lane earlier. My vehicle was making the approach into the marked right lane for a right turn. The vehicle in front of me stayed on the center line and did not make its turn from as close to curb or the side of the road as practicable which caused the accident. The fact that the three lanes are not marked at the point of impact does not matter because the road had widened and drivers planning to turn right should have moved to the right. The gradually widening area was put there for a purpose and I don't think that it is illegal for drivers to use that area as Officer Rivers said at the scene and as Officer Robinson maintains in court.

