

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2014-001871

State of South Carolina

Respondent,

v.

John Barra,

Appellant.

Motion to Substitute the City of North Charleston as Respondent

The City of North Charleston ("the City") moves to be substituted as the Respondent in place of the State of South Carolina. This case arises out of a municipal charge of Driving Under the Influence which occurred within the City of North Charleston and was adjudicated in the City's Municipal Court. A copy of the Appellant's Uniform Traffic Ticket is attached. Appellant appealed the municipal conviction whereby the Circuit Court affirmed. This appeal follows. This City should be the respondent rather than the State of South Carolina. Opposing Counsel consents to this Motion.

May 1, 2015



Frances D. Austin
Post Office Box 190016
North Charleston, S.C. 29419
(843) 740-5830
Attorney for Respondent
S.C. Bar # 77942

UNIFORM TRAFFIC TICKET

CITY OR COUNTY OF North Charleston VERSUS
FIRST NAME John MIDDLE NAME J LAST NAME Barra
STREET AND NO. [REDACTED] CITY [REDACTED] STATE [REDACTED] ZIP CODE [REDACTED]

STATE LICENSED DRIVER'S LICENSE NO. SC 101160435 COL. YES NO DRI. LIC. CLASS. D
VEH. LIC. NO. P382211 STATE SC MAKE OF VEH. Mercury YEAR 07 COMM. VEH. AUTO 16 PSGR. VEH. COMB. HAZ. MT. MOPED MTRCYCL. OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT Mag. Court STREET AND NO. 2500 City Hall Dr
DATE OF TRIAL 03/25/2013 TIME OF TRIAL 10:00am CITY N. Char. STATE SC ZIP CODE 29406

VIOLATION - COURT APPEARANCE REQUIRED YES NO VIOLATION SECTION NO. 54-5-2930

OWNER OF VEHICLE Same AS DATE OF ARREST 02/01/2013

ADDRESS OF OWNER Above DATE OF VIOLATION 02/01/2013

BAIL DEPOSITED Bail NAME OF ARRESTING OFFICER Bennett-T BANK NUMBER AC

DESCRIPTION OF ACCUSED: RACE W SEX M BIRTH DATE 09/04/1972 HT. 5'11" HAIR BRN WT. 175 EYES BRN COUNTY Charleston NUMBER 10
DATE BAIL REC'D. 03/25/2013 BY [Signature] BADGE 272 TROOP 6

CASE BEFORE: MAGISTRATE MUN. COURT TIME OF VIOLATION 00:18 PM WEATHER Clear

CIRCUIT COURT FAMILY COURT FEDERAL COURT NAME OF TRIAL COURT Dorchester DISTANCE IN FEET FROM INTERSECTION 1000

DEFENDANT: DID NOT APPEAR APPEARED AND Great Oaks

NOLLE PROSSED GUILTY MILES 1 N 1 E 3 S 4 W 0

FORFEITED BOND PLED: NOLO CONTENDERE CITY Char.

TRIAL BY: TRIAL JUDGE JURY VERDICT OF AS GUILTY NOT-GUILTY DATE OF TRIAL 03/25/2013

TRIAL IF ANY: JAIL SUSPEND FINE AMT. COLLECTED AMT. SUSPENDED Lat 33° 27' 30" N Long 79° 17' 30" W

COMMITTED TO: Vehicle Seizure NO Arrest as Result of Collision NO OFFENSE CODE 99 B.A. LEVEL Retard

CERTIFIED CORRECT [Signature] 03/25/2013 13490 GC

DRIVER'S RECORD COPY [Signature] beginning Sept 2, 2013

DOCKET NO. 201300069715

SC Court of Appeals

MAY 04 2015

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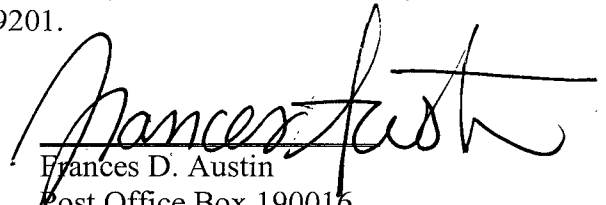
John Barra,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Substitute City of North Charleston as Respondent by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2015, addressed to the SC Attorney's General Counsel of Record, Jennifer Ellis Roberts, 1000 Assembly Street Room 519 Columbia, South Carolina 29201.

May 1, 2015



Frances D. Austin
Post Office Box 190016
North Charleston, S.C. 29419
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Attorney for Respondent
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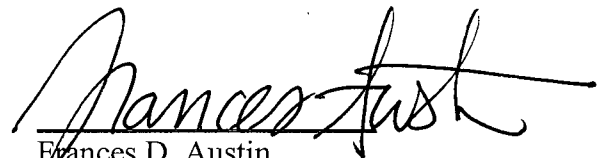
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I certify that I have served the Motion to Substitute City of North Charleston as Respondent by depositing a copy of it in the United States Mail, postage prepaid, on May 1, 2015, addressed to the Appellant's Counsel of Record, Thomas C. Nelson, Post Office Box 1385, Mount Pleasant, South Carolina 29465.

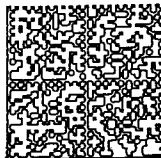
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City of North Charleston

PO Box 190016 • North Charleston, SC • 29419-9016



FITNEY BOWES

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MAY 01 2015

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MAY 04 2015

SC Court of Appeals

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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