

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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NOV 19 2015

SC Court of Appeals

Tracy Lynn Adams, Appellant

v.

South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety, Respondents.

Appellate Case № 2013-002225

Appeal From The Administrative Law Court
Shirley C. Robinson, Administrative law Judge

Petition for Rehearing

Pursuant to Rule 221 of the South Carolina Rules of Appellate Procedure, Tracy Lynn Adams, the Appellant herein, respectfully requests that this court re-hear this matter and issue an opinion reversing the Administrative Law Court based upon the following:

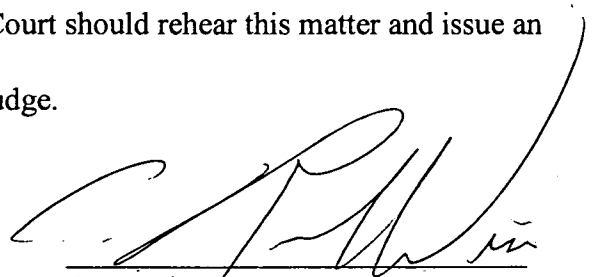
1. The decision failed to recognize that in *State v. Vinson*, 400 S.C. 347, 349, 734 S.E.2d 182, 183 (Ct. App. 2012) the defendant was observed to “drift ‘back and forth’ between the double yellow lines that separated the opposing lanes of traffic” In the present case the Appellant never crossed the yellow line and therefore remained entirely within her own lane of traffic. In *Vinson* the defendant obviously had to cross out of his lane if he was drifting back and forth between the double yellow line. Until one actually crosses out of their lane there is no violation of S. C. Code § 56-5-1900. Probable cause cannot be based upon a “hunch” or the fact that one is driving early in the morning.

2. This Court erred in failing to recognize the right of the Appellant to address the

constitutional issue raised in this case. Article I, § 9 of the South Carolina Constitution provides a “speedy remedy . . . for wrongs sustained.” The only avenue this Appellant has to raise the constitutionality of the statute in question is through this process. The only punishment inflicted by this constitutional violation is not in her criminal trial but in the administrative hearing. As contended in her brief, the appellant is being punished for making the burden on the state more difficult. She has no other forum within which to address this issue. To hold that the Appellant cannot address the constitutionality of S. C. Code § 56-5-2950 is to fail to provide her with a remedy for a wrong in violation of the Constitution of the State of South Carolina. As our Supreme Court has said concerning Article I, § 9 of our constitution “The word ‘wrongs’ is here used in its broadest legal sense, embracing every injury to or impairment of legal rights of person or property.” *Davis v. Whitlock*, 90 S.C. 233, 73 S.E. 171, 173 (1911).

For the foregoing reasons, this Court should rehear this matter and issue an opinion reversing the order of the administrative law judge.

November 18, 2015



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Attorney for Appellant.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM SOUTH CAROLINA
DIVISION OF MOTOR VEHICLES

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SC Court of Appeals

The Honorable Shirley C. Robinson
Appellate Case No. 2013-002225

Tracy Lynn Adams, Appellant,

v

South Carolina Department of Motor Vehicles and South Carolina Department of Public Safety,
..... Respondent.

AFFIDAVIT OF SERVICE

PERSONALLY appeared before me Sandy Traynham who, after being duly sworn, deposes and says that she is the receptionist for C. Rauch Wise, Attorney for the Appellant in the above entitled case. That on November 18, 2015, she did deposit in the United States Mail with proper postage affixed thereto a copy of the Petition for Rehearing in the above case addressed to Frank L. Valenta, Office of General Counsel, P.O. Box 1498, Blythewood, SC.

SWORN to and Subscribed

Sandy Traynham

before me this 18 day

of November, 2015.

Amy Jane Hester (L.S.)

Notary Public for South Carolina

My Commission expires: 11/30/22

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November 18, 2015

Jenny Abbott Kitchings, Clerk
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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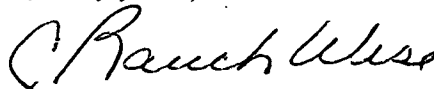
Re: Tracy Lynn Adams vs. South Carolina Department of Motor Vehicles and
South Carolina Department of Public Safety (2013-002225)

Dear Ms. Kitchings:

Enclosed herewith is the original and six copies of the Petition for Rehearing concerning the
above referenced matter, together with the original Affidavit of Service.

With kindest regards, I am

Very truly yours,



C. Rauch Wise

CRW/mjh