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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

JUN 29 2015

SC Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
Case No. 2013-CP-46-02643

JOHN C. HAYES, III, Circuit Court Judge

Appellate Case No. 2014-002286

City of Rock Hill, Appellant,

v.

James Delaney Allen, III, Respondent.

RECORD ON APPEAL

CHRISTOPHER E. A. BARTON
Senior City Solicitor

201 E. Main Street, 3rd Floor
Rock Hill, SC 29730
(803) 329-5619

James Delaney Allen, III
2274 Roundhill Ct.
Rock Hill, SC 29730
Respondent, Pro Se

ATTORNEY FOR APPELLANT

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* Duplicate copies of the roadside videos and BA room video were submitted separately as part of the Record on Appeal.

STATE OF SOUTH CAROLINA)
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 COUNTY OF YORK)
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 CITY OF ROCK HILL)
)
 Plaintiff,)
)
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 VS.)
)
 JAMES D. ALLEN, III)
)
 Defendant.)

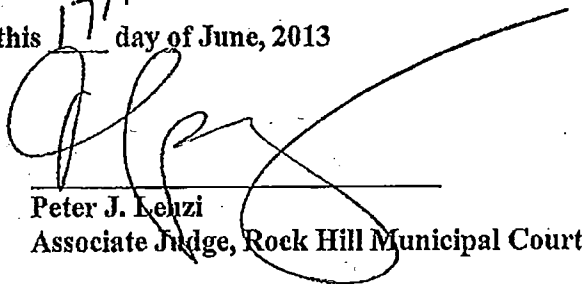
IN THE ROCK HILL
 MUNICIPAL COURT

ORDER
 TICKET #: 35592GE

THIS MATTER is before the Court on the Defense Motion to Dismiss the charge of DUI currently pending against the Defendant named above. The basis of the Motion is that the Defendant was stopped by Officer Rivera of the Rock Hill Police Department, but the traffic citation was issued by Officer B. K. Lambert also of the Rock Hill Police Department. The defense contends that since Officer Lambert never saw the Defendant operating a motor vehicle, it was legally impermissible for Officer Lambert to issue the citation and the case must, therefore, be dismissed. The prosecution agrees that Officer Lambert did not observe the Defendant operating the motor vehicle on the night in question. However, the prosecution contends that the "corpus delicti" of a DUI may be established through circumstantial evidence citing City of Easley v. Portman 490 S.E.2^d, 613 (Court of Appeals 1997).

The Defendant's Motion to Dismiss is DENIED.

DONE AND ORDERED this 17th day of June, 2013



 Peter J. Lenzi
 Associate Judge, Rock Hill Municipal Court

Copy: Michael L. Brown, Jr., Attorney for Defendant
 Paula Knox Brown, Solicitor

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF YORK
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2013CP4602634

James Delaney Allen III	Rock Hill City Of
-------------------------	-------------------

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
 - DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
 - ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
 - ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
 - DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: **APPEAL IS GRANTED**
- NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: **ORDER (APPEAL IS GRANTED)**

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

s/ John C. Hayes, III.
 Circuit Court Judge

2049
 Judge Code

4/14/2014
 Date

For Clerk of Court Office Use Only

This judgment was entered on April 18, 2014, and a copy mailed first class or placed in the appropriate attorney's box on April 18, 2014, to attorneys of record or to parties (when appearing pro se) as follows:

Michael Langford Brown Jr. PO Box 1025 Rock Hill, SC
29731

Paula Knox Brown 201 E. Main Street Third Floor Rock
Hill, SC 29730

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 James Delaney Allen III,)
)
 Appellant,)
)
 -V-)
)
 City of Rock Hill,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SIXTEENTH JUDICIAL CIRCUIT

2014 MAR 18 PM 3:11
 YORK COUNTY SOUTH CAROLINA

File Number: 2013-CP-46-02634

This matter comes before the undersigned in the York County Court of Common Pleas on March 12, 2014. Appearing for the Appellant was Michael L. Brown, Esquire. Paula Knox Brown, Esquire, appeared for the City of Rock Hill. Appellant was arrested and charged with DUI First Offense on September 22, 2012. Appellant filed a Motion to Dismiss, which was subsequently denied. The case then proceeded to a bench trial. On August 21, 2013, The Honorable Judge Peter Lenzi found the Appellant guilty of DUI First Offense. Appellant now appeals this conviction.

Facts

On September 22, 2012, Sergeant Rivera, of the City of Rock Hill Police Department, came into contact with the Appellant's vehicle traveling down Ogden Road. Sgt. Rivera then began "pacing" the Appellant's vehicle in an unmarked police vehicle and testified that the Appellant was traveling at a speed of 58 miles per hour in a 35 mile per hour zone. Sgt. Rivera also testified that he witnessed the Appellant's vehicle swerve across the yellow line on several

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occasions. Sgt. Rivera then conducted a traffic stop, pulling over the Appellant and identifying himself as a City of Rock Hill Police Officer. Sgt. Rivera testified that he detected a strong odor of alcohol coming from the Appellant's vehicle and/or breath. The officer then inquired as to how much alcohol the Appellant had consumed whereby the Appellant responded that he had consumed "one beer." Sgt. Rivera then contacted the police traffic unit and Officer Lambert of the City of Rock Hill Police Department was dispatched to the scene.

Officer Lambert arrived approximately ten minutes upon being dispatched and "took over" the investigation. He testified that when he asked the Appellant how much alcohol he had consumed the Appellant was not sure. Officer Lambert additionally testified that he offered the Appellant three standard Field Sobriety Tests which disclosed clues concerning the Appellant's impairment level. The officer subsequently arrested the Appellant for DUI.

At the bench trial held by the Honorable Judge Lenzi, both Sgt. Rivera and Officer Lambert testified for the City. The only question posed to Sgt. Rivera by defense counsel during cross-examination was whether he had issued the Uniform Traffic Ticket charging the Appellant with DUI, to which he responded "No, Officer Lambert did." The only question posed by defense counsel during the cross examination of Officer Lambert was whether he had seen the Defendant driving on the night of the incident, to which Officer Lambert responded "no." The City entered five exhibits into evidence: the road side video, the Data Room video, advisement of the Implied Consent form, the Data Master Test results, and the notice of Suspension due to Appellant's failure to provide a breath sample.

Law

This appeal is based on the following ground:

pett # 2

The Trial Court should have dismissed the charge against the Defendant because the arresting officer did not witness the conduct prescribed by the charge he was convicted of and arrested him on a uniform traffic ticket. The arresting officer should have obtained a warrant because he did not witness the crime.

On the Uniform Traffic Ticket included in the Return, Officer Lambert is listed under the "Name of Arresting Officer." At trial, the prosecution agreed that Officer Lambert did not observe the Appellant operating the motor vehicle on the night in question. The prosecution relied on the argument that the "corpus delicti" of a DUI may be established through circumstantial evidence, citing City of Easley v. Portman, 490 S.E.2d, 613 (Court of Appeals 1997). Appellant relies on §17-13-30 of the S.C. Code of Laws, which states:

The sheriffs and deputy sheriffs of this state may arrest without warrant any and all persons who, within their view, violate any of the criminal laws of this State if such arrest may be made at the time of such violation of law or immediately thereafter.

South Carolina courts have held that the acts "must become known to the officer, at the time of their commission, through his sensory perception, and he must infer that they constitute an offense." Prosser v. Parsons, 245 S.C. 493, 141 S.E. 2d 342. " A crime is committed in the presence of an officer when the facts and circumstances occurring within his observation, in connection with what, under the circumstances, may be considered as common knowledge, give him probable cause to believe or reasonable grounds to suspect that such is the case." State v. Williams, 237 S.C. 252, 116 S.E.2d 858. In Williams, the South Carolina Supreme Court cited with approval that:

Although a person may actually be committing a criminal offense, it is not committed within the meaning of the statute, if the officer does not know it. And where, the officer could not observe nor become cognizant of the act constituting the offense by the use of his senses it could not be committed in his presence so as to authorize an arrest without a warrant. State v. Pluth, 157 Minn. 145, 195 N.W. 789, 791.

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Analysis

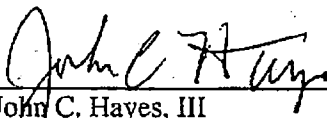
Here, we have an officer who made an arrest, but did not witness or perceive any of the events giving probable cause for the initial traffic stop which resulted in the arrest. Sgt. Rivera began "pacing" the Appellants' vehicle and conducted a traffic stop upon perceiving the Appellant speeding as well as seeing the Appellant's vehicle swerve across yellow lines. Thus, under the statute and applicable South Carolina case law, Sgt. Rivera, and not Officer Lambert, perceived the Appellant committing the criminal acts giving rise to the traffic stop and therefore Sgt. Rivera, rather than Officer Lambert, should have been the arresting officer. Officer Lambert arrived at the scene of the traffic stop approximately ten minutes upon being dispatched and therefore could not have observed the acts of Appellant speeding and swerving across the median. The record indicates that Officer Lambert "took over the investigation" once he arrived at the scene. The record does not indicate that Officer Lambert in any way perceived the acts which allegedly gave Sgt. Rivera probable cause to conduct the initial traffic stop on Appellant's vehicle (speeding or swerving). Nor does the record indicate that Officer Lambert observed, with any of his sensory perceptions, any act of Appellant which, in itself, would give rise to an arrest for DUI First Offense without a warrant. The crime here of DUI was not committed in Officer Lambert's presence. Officer Lambert neither observed nor perceived the Appellant speeding and or swerving his motor vehicle. Officer Lambert cannot justify an arrest simply by relying on the hearsay of another police officer. The issue in this case is outside the scope of Portman and concerns whether the arresting officer actually perceived the acts giving rise to establish probable cause to initiate a traffic stop of the Appellant, and not whether circumstantial evidence can be used to establish the "corpus delicti" of DUI.

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Conclusion

For the above stated reasons, the Court hereby reverses Appellant's conviction for DUI First Offense on the basis that the arresting officer, Officer Lambert, of the City of Rock Hill Police Department, failed to comply with §17-13-30 of the SC Code of Laws. Officer Lambert did not perceive any of the acts giving rise to establishing probable cause to engage in an initial traffic stop of the Appellant. Additionally, nothing in the record indicates that Officer Lambert, upon arriving at the scene of the traffic stop, observed the Appellant commit any acts, which in and of themselves, would give rise to an arrest for DUI without a warrant. The Appellant's motion is hereby GRANTED.

IT IS SO ORDERED.



John C. Hayes, III
Presiding Judge

April 14th
March, 2014
York, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
)
 CITY OF ROCK HILL)
)
)
 Plaintiff,)
)
 VS.)
)
 JAMES D. ALLEN, III,)
)
)
 Defendant.)
 _____)

IN THE COURT OF
 COMMON PLEAS

RETURN TO APPEAL
 TICKET 35592GE

FILED-RECEIVED
 2013 SEP 27 PM 4:00
 DAVID W. SMITH
 D.C.C.P. & GS
 YORK COUNTY, SC

APPEARANCES: Michael L. Brown, Jr., Attorney for Defendant
 Paula Knox Brown, Solicitor – City of Rock Hill

PROCEEDINGS:

The Defendant restated his Motion to Dismiss based upon the previous representations, arguments and authority that had been presented at a Hearing on the Motion to Dismiss on 5-16-13. The Motion was again denied and the case proceeded to a Non-Jury Trial.

The Defendant was arrested and charged with Driving Under the Influence First Offense on September 22, 2012. Attorney Michael L. Brown, Jr. made an appearance on behalf of the Defendant on October 5, 2012 whereby he requested a Jury Trial on behalf of Mr. Allen and submitted Rule 5 and Brady motions on Mr. Allen's behalf. The case was originally set for Jury Trial on January 15, 2013. The Defendant had initially requested a Trial by Jury; that request was ultimately withdrawn. The Defendant filed a Motion to Dismiss which alleged that Officer B. K. Lambert who issued the Uniform Traffic Ticket charging the Defendant with Driving Under the Influence had not witnessed the Defendant driving on the night in question. A hearing was held on the Defendant's motion which resulted in the issuance of an Order dated June 1, 2013. Upon the issuance of the Order, the case proceeded as a Bench Trial on August 20, 2013.

The City called two witnesses, Sgt. Rivera who testified that he came in contact with the Defendant on Ogden Road on the 22nd of September, 2012. Rivera described "pacing" the Defendant's vehicle in an unmarked police cruiser and testified that the Defendant was going 58 miles per hour in a 35 mile per hour zone. During the "pacing" Rivera testified that the vehicle swerved across the yellow line on several occasions. Rivera pulled over the Defendant and identified himself as a Rock Hill police officer. Rivera testified that he detected a strong odor of alcohol coming out of the Defendant's vehicle and/or off his breath. When asked how much alcohol he had consumed, the Defendant responded one beer at which time Rivera contacted the

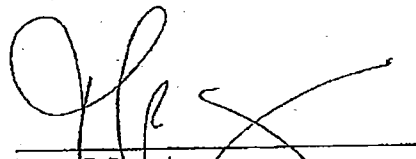
traffic unit and Officer Lambert was dispatched to the scene. The only question posed to this witness by the defense was whether he had issued the Uniform Traffic ticket charging the Defendant with Driving Under the Influence to which he responded "No, Officer Lambert did."

Officer Lambert arrived approximately ten minutes after being dispatched and took over the investigation of Mr. Allen. Officer Lambert testified that when questioned about the amount of alcohol he had consumed, the Defendant was not sure. Lambert offered the Defendant three standard Field Sobriety Tests which in Lambert's opinion, disclosed numerous "clues" concerning the Defendant's impairment level. The Defendant was arrested for DUI and mirandized. The City entered five exhibits into evidence; road side video, the Data Room video, advisement of the Implied Consent form, Data Master Test results and the notice of Suspension relevant because of the Defendant's failure to provide a breath sample. On cross examination the only question posed by defense counsel was whether or not Lambert had seen the Defendant driving that night to which Lambert responded "No."

The City rested it's case and the defense once again renewed it's Motion to Dismiss on the same grounds, arguments, representations and authority as previously presented to the Court; that Motion was again denied.

Based upon the evidence presented the Court found the Defendant guilty of Driving Under the Influence First Offense.

Respectfully submitted by:



Peter J. Denzi
Associate Judge, Rock Hill Municipal Court

EXHIBITS:

1. Copy of Ticket #: 35592GE
2. Order dated 6-17-13
3. Roadside Video
4. BA Room Video
5. Implied Consent Rights Form
6. BA Test Report
7. Notice of Suspension

CC:

Michael L. Brown, Jr., Attorney for Defendant
Paula Knox Brown, Solicitor, City of Rock Hill

UNIFORM TRAFFIC TICKET #997.00

CITY OR COUNTY OF Rock Hill VERSUS
FIRST NAME James MIDDLE NAME Delaney LAST NAME Allen III

STREET AND NO. 2774 Rock Hill Ct CITY Rock Hill SC STATE SC ZIP CODE 29730

STATE LICENSED DRIVER'S LICENSE NO. SC CDL YES NO ORAL LIC. CLASS D

VEH. LIC. NO. 1-RJ867 STATE SC MAKE OF VEH Chev YEAR 12 COLL. VEH. AUTO MOPED OTHER
HAZ. MT. MTRCYCL.

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT Mun. Court STREET AND NO. 120 E Blak St

DATE OF TRIAL 10/10/2012 TIME OF TRIAL 1:00 PM CITY Rock Hill STATE SC ZIP CODE 29730

VIOLATION - COURT APPEARANCE REQUIRED YES NO YES NO VIOLATION SECTION NO. 56-5-2930

OWNER OF VEHICLE Hunt, Allison DATE OF ARREST 09/22/2012

ADDRESS OF OWNER Same DATE OF VIOLATION 09/22/2012

BAIL DEPOSITED Same NAME OF ARRESTING OFFICER B.K. Lambert RANK 1st Lt

DESCRIPTION OF ACCUSED 99 Bk 1640 COUNTY York ARRESTER 16

DATE BAIL REC'D. BY 20 BADGE 4315 TPOFF 7

CASE BEFORE MAGISTRATE MUN. COURT CIRCUIT COURT FAMILY COURT FEDERAL COURT

NAME OF TRIAL COURT IF DIFFERENT FROM ABOVE TIME OF VIOLATION 0050 WEATHER PM 2/12

DEFENDANT DID NOT APPEAR APPEARED DISTANCE IN FEET FROM INTERSECTION OF Oxden Rd AND Squire Rd

NOLLE PROSSED DISPOSITION GUilty MILES 1 N 1 E 3 S 4 W 4

TRIAL BY: TRIAL JUDGE JURY CITY RH

VERDICT OF TRIAL IF ANY GUILTY NOT GUILTY DATE OF TRIAL IF ANY 8/29/2012 Lat 0

JAIL 05 SUSPEND 10 FINE 100 AMT. COLLECTED 0 AMT. SUSPENDED 0 Long 0

COMMITTED TO: Vehicle Searched YAS Arrest as Result of Collision NO OFFENSE CODE 99 B.A. LEVEL R

CERTIFIED CORRECT DATE 8/20/13 35592 GE

1209231044

DOCKET NO.

TRIAL COURT COPY

EXHIBIT 2

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 CITY OF ROCK HILL)
)
 Plaintiff,)
)
 VS.)
)
 JAMES D. ALLEN, III)
)
 Defendant.)

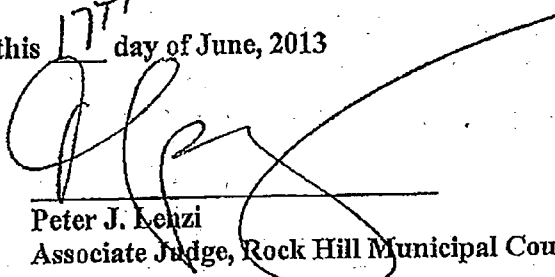
IN THE ROCK HILL
 MUNICIPAL COURT

ORDER
 TICKET #: 35592GE

THIS MATTER is before the Court on the Defense Motion to Dismiss the charge of DUI currently pending against the Defendant named above. The basis of the Motion is that the Defendant was stopped by Officer Rivera of the Rock Hill Police Department, but the traffic citation was issued by Officer B. K. Lambert also of the Rock Hill Police Department. The defense contends that since Officer Lambert never saw the Defendant operating a motor vehicle, it was legally impermissible for Officer Lambert to issue the citation and the case must, therefore, be dismissed. The prosecution agrees that Officer Lambert did not observe the Defendant operating the motor vehicle on the night in question. However, the prosecution contends that the "corpus delicti" of a DUI may be established through circumstantial evidence citing City of Easley v. Portman 490 S.E.2^d, 613 (Court of Appeals 1997).

The Defendant's Motion to Dismiss is DENIED.

DONE AND ORDERED this 17th day of June, 2013


 Peter J. Lenzi
 Associate Judge, Rock Hill Municipal Court

Copy: Michael L. Brown, Jr., Attorney for Defendant
 Paula Knox Brown, Solicitor

ADVISEMENT OF IMPLIED CONSENT RIGHTS

James Delaney Allen
Subject's Name (Print)



[Redacted]
Date of Birth

[Redacted]
Driver's License Number

SC
State Licensed

DRIVING UNDER THE INFLUENCE ADVISEMENT

- (A) Will test be video recorded? If answer is Yes, start here - Inform subject of video recording.
If answer is No, start here - Inform subject of type samples requested (i.e. breath, blood, urine).
- (B) Provide subject with a written copy of the following advisement and read the advisement to the subject:
 - You are under arrest for Driving Under the Influence (DUI), Section 56-5-2930, South Carolina Code of Laws 1976, as amended.
 - The arresting officer has directed that samples be taken for alcohol and/or drug testing.
 - The samples will be taken and tested according to Section 56-5-2950 and SLED policies.
 - You do not have to take the tests or give the samples, but if you refuse to submit to the tests, your privilege to drive in South Carolina must be suspended or denied for at least six (6) months and your refusal may be used against you in court.
 - If you take the tests or give the samples and have an alcohol concentration of eight one-hundredths of one percent (0.08%) or more, you may instead be charged with Driving with an Unlawful Alcohol Concentration (DUAC), Section 56-5-2933.
 - If you have an alcohol concentration of fifteen one-hundredths of one percent (0.15%) or more, your privilege to drive in South Carolina must be suspended for at least one (1) month.
 - You have the right to have a qualified person of your own choosing conduct additional independent tests at your expense and the officer, upon request, must provide you affirmative assistance.
 - You have the right to request an administrative hearing within thirty (30) days of the issuance of the notice of suspension.
 - If you do not request an administrative hearing or if your suspension is upheld at the administrative hearing, you must enroll in an Alcohol and Drug Safety Action Program.

If applicable, perform the following procedures:

- (C) Check subject's mouth and remove any foreign material. (Not required if a refusal has occurred.)
- (D) Enter biographical data into DataMaster DMT. (Required for all tests, including refusals.)
- (E) Observe subject for a minimum of twenty (20) minutes before collecting breath sample. (Not required if a refusal has occurred.)

ADVERTENCIA PORMANEJAR BAJOS LOS EFECTOS DE ALCOHOL O DROGAS(DUI)

- (A) ¿Se grabará en video el análisis? Si la respuesta es Si, empieza aqui - Informe al sujeto que va a ser grabado en video.
Si la respuesta es No, empieza aqui - Informe al sujeto de lo que se requiere (ejemplo: soplar, sangre, urina.)
- (B) De al sujeto una copia escrita de la siguiente advertencia y lea la advertencia al sujeto:
 - Usted queda detenido por Manejar Bajo los Efectos de Alcohol o Drogas (DUI), Sección 56-5-2930, del Código de Leyes de Carolina del Sur de 1976, según su enmienda.
 - El agente que efectuó la detención dispuso que se sacaran muestras de alcohol y/o drogas para ser analizadas(s).
 - Se obtendrán y se analizarán las muestras según la Sección 56-5-2950 y las normas de SLED.
 - Usted no está obligado a hacerse los análisis ni a sacarse las muestras, pero si se niega a someterse a estos análisis, se le tendrá que suspender o negar el derecho de manejar en Carolina del Sur por lo menos durante seis (6) meses y el hecho de que usted se niega, podrá usarse en su contra en un tribunal.
 - Si usted se somete a los análisis o se saca las muestras y tiene una concentración de alcohol de ocho centésimos del uno por ciento (0,08%) o más, entonces se lo podría acusar de Manejar con una Concentración Ilegal de Alcohol (DUAC), según la Sección 56-5-2933.
 - Si usted tiene una concentración de alcohol de quince centésimos del uno por ciento (0,15%) o más, se le deberá suspender el derecho de manejar en Carolina del Sur por lo menos durante un (1) mes.
 - Usted tiene el derecho de que una persona que usted elija y que esté capacitada para hacerlo, realice sus propios análisis adicionales, los cuales usted mismo tiene que pagar y en ese caso, el agente debe brindarle ayuda si usted lo solicita.
 - Usted tiene el derecho de solicitar una audiencia administrativa dentro de los treinta (30) días de la fecha en que se emitió la notificación de la suspensión.
 - Si usted no solicita una audiencia administrativa o si se le confirma la suspensión en la audiencia administrativa, usted tiene que matricularse en un Programa de Medidas Contra el Abuso del Consumo del Alcohol y las Drogas.

Si aplica, efectue los siguientes procedimientos:

- (C) Inspecciona la boca del sujeto y quite material extraño de la boca. (Ignora si se niega el sujeto.)
- (D) Anade datos biograficos en el DataMaster DMT. (Esto es requerido para todos los exámenes aunque se niege el sujeto.)
- (E) Observe al sujeto un mínimo de (20) minutos antes de obtener un ejemplar de su respiro. (Ignora si se niega.)

Subject Refused to Sign
Subject's Signature
Firma del Sujeto (Recibió una copia)

[Signature] 09-22-18
0150 date/time
Officer's Signature
Firma del Agente
fecha/hora



**SOUTH CAROLINA LAW ENFORCEMENT DIVISION
BREATH ALCOHOL ANALYSIS TEST REPORT
DRIVING UNDER THE INFLUENCE**



SUBJECT BIOGRAPHICAL INFORMATION

SUBJECT NAME: JAMES/D/ALLEN
 RACE: BLACK
 SEX: M
 DOB: [REDACTED]

DL NUMBER: [REDACTED]
 DRIVER'S LICENSE: SC
 SUBJECT ADDRESS: 2774 ROUND HILL CT
 ROCK HILL, SC

ARREST INFORMATION

OFFICER NAME: BRIAN/K/LAMBERT
 TICKET NUMBER: 35592GE
 ARREST DATE: 09/22/2012

AGENCY ORI: SC0460300
 COUNTY OF ARREST: 46 - YORK
 ARREST TIME: 01:15

OPERATOR INFORMATION

TEST OPERATOR: BRIAN/K/LAMBERT
 CERTIFICATION #: DMT001353
 SOLUTION LOT #: 12802
 BREATH TEST VIDEO RECORDED? YES
 SUBJECT'S MOUTH CHECKED AND
 ANY FOREIGN MATERIAL REMOVED? YES
 SUBJECT ADVISED OF APPLICABLE RIGHTS? YES

AGENCY ORI: SC0460300
 EXPIRATION DATE: 02/21/2014
 BOTTLE: 0996
 SUBJECT INFORMED OF VIDEO RECORDING? YES
 SUBJECT INFORMED OF TYPE SAMPLE REQUESTED? YES
 SUBJECT OBSERVED FOR A MINIMUM OF (20)
 TWENTY MINUTES? YES

SUBJECT'S BREATH ALCOHOL TEST RESULTS

DATAMASTER DMT SERIAL #100207

TEST DATE:		09/22/2012
OBSERVATION START TIME:		01:53:53
BLANK TEST	0.00	02:14:53
INTERNAL STANDARD	VERIFIED	02:15:00
0.08% SIMULATOR TEMPERATURE	33.99°C	02:15:18
0.08% SIMULATOR VERIFICATION	0.078	02:15:18
BLANK TEST	0.00	02:16:07
SUBJECT SAMPLE	0.00	02:16:18
BLANK TEST	0.00	02:18:53
INTERNAL STANDARD	VERIFIED	02:18:59

Subject Refused to Sign

Subject's Signature

09-22-12/0218
 (Received Copy) Date/Time

[Handwritten Signature]

Arresting Officer's Signature

[Handwritten Signature]

Test Operator's Signature

VISIT WWW.SLED.SC.GOV AND CLICK ON IMPLIED CONSENT. THEN CLICK ON BREATH SITE VIDEO RECORDINGS. ENTER THE REQUESTED INFORMATION FROM THE BOX BELOW TO ACCESS THE VIDEO RECORDING OF THIS BREATH TEST:

SUBJECT ID: 18245FAB1
 SUBJECT PASSWORD: 78E9E

IMPORTANT NOTICE

INFORMATION FROM THIS REPORT WILL BE USED TO ACCESS THE BREATH TEST VIDEO. ANYONE WITH THIS INFORMATION WILL HAVE ACCESS TO THE VIDEO. PROTECT THIS REPORT AS YOU WOULD ANY IMPORTANT DOCUMENT. SLED ASSUMES NO RESPONSIBILITY FOR UNAUTHORIZED ACCESS.



South Carolina Department of Motor Vehicles
Notice of Suspension

MY-65
Rev. 12/05

Defendant's Name Address

BP/DL Number State Zip Code Date of Birth

Vehicle: License Plate Number Vehicle Type: Commercial [] Yes [] No Hazardous Material [] Yes [] No

YOUR PRIVILEGE TO DRIVE IN SOUTH CAROLINA IS SUSPENDED IMMEDIATELY FOR THE FOLLOWING:
(CHECK ONLY ONE BOX)

Form with two boxes: 'UNDER THE AGE OF TWENTY-ONE (21) AND NOT UNDER ARREST FOR DUI*' and 'ANY AGE UNDER ARREST FOR DUI'. Each box contains checkboxes for 'Registering an alcohol concentration of .02 or greater*' and 'Refusing to submit to a breath, blood or urine test*'.

*A person who is taken for testing under 56-1-286 cannot be prosecuted under 20-7-8920, 20-7-8925, 56-5-2930 or 56-5-2933. Everyone who receives this Notice of Suspension can have a hearing to challenge the suspension.

If a hearing is scheduled, you may be able to get a temporary alcohol restricted license. The temporary alcohol restricted license costs \$100.00 and allows you to drive without restrictions until the hearing results are mailed to you.

If you do not get a temporary alcohol restricted license, your suspension continues. You cannot drive until you either get a route-restricted license or your suspension period ends and you: 1) enroll in ADSAP [if you do not complete ADSAP, your driver's license will again be suspended]; 2) pay a \$100.00 reinstatement fee; and 3) have a license issued to you.

If you do get a temporary alcohol restricted license and the hearing officer rules against you after your hearing, your suspension will go back into effect. If you were suspended after having been arrested for DUI, you may be eligible for a route-restricted license to allow you to drive for the remainder of the suspension.

If you do get a temporary alcohol restricted license and the hearing officer rules in your favor, the suspension will be cancelled. Your driving privileges will be reinstated. However, you must go to a DMV office and have a regular license issued to you.

If you were suspended after having been arrested for DUI, you may be entitled to have a route-restricted license during your suspension period. You do not have to request a hearing to be eligible for a route-restricted license. The route-restricted license costs \$100.00 and allows you to drive only to and from work, college, ADSAP classes, and a court-ordered drug program, plus during the course of your employment or college.

I understand that I cannot drive until a license has been issued to me. Signature of Defendant

Defendant's license or permit surrendered (yes or no) (If yes, license must be attached to yellow copy of this form)

Date Signature of Arresting Officer Printed Name of Arresting Officer

Agency Name Agency Code Agency Telephone Number

Date Signature of DataMaster Operator Printed Name of DataMaster Operator

Agency Name Agency Code Agency Telephone Number

NOTICE OF APPEAL FROM THE BENCH TRIAL ORDER ISSUED BY THE
CITY OF ROCK HILL MUNICIPAL COURT

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas for York County

APPEAL FROM ROCK HILL MUNICIPAL COURT
Peter Lenzi, Presiding Municipal Court Judge

Ticket No.: 35592 GE _____

James Delaney Allen III,

Appellant,

v.

The City of Rock Hill,

Respondent.

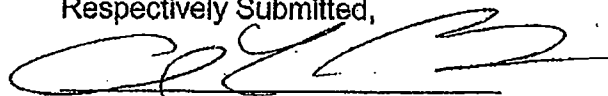
NOTICE OF APPEAL

The Defendant James Delaney Allen III, by and through counsel,
MICHAEL L. BROWN, JR., hereby appeals the verdict rendered by the
Honorable Peter Lenzi on August 21, 2013.

The grounds upon which this Appeal is based as follows: 1. The Trial Court
should have dismissed the charge against the Defendant because the arresting
Officer did not witness the conduct prescribed by the charge he was convicted of
and arrested him on a uniform traffic ticket. The arresting Officer should have
obtained a warrant because he did not witness the crime.

DATED this 27 day of August, 2013.

Respectively Submitted,



MICHAEL L. BROWN, JR.
Law Offices of Michael L. Brown, Jr.
P.O. Box 1025
Rock Hill, South Carolina 29731
(803) 328.8822
(803) 328.0523 (via facsimile)

NOTICE OF APPEAL FROM THE BENCH TRIAL ORDER ISSUED BY THE
CITY OF ROCK HILL MUNICIPAL COURT

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas for York County

APPEAL FROM ROCK HILL MUNICIPAL COURT
Peter Lenzi, Presiding Municipal Court Judge

Ticket No.: 35592 GE

James Delaney Allen III,

Appellant,

v.

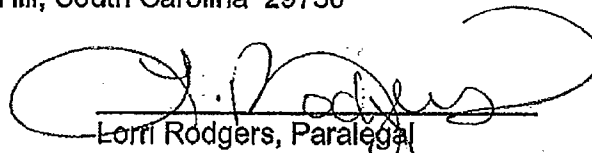
The City of Rock Hill,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby acknowledges that a true and correct copy of the
NOTICE OF APPEAL was hereby forwarded via regular mail, postage prepaid,
addressed to the following:

Honorable Peter Lenzi
Rock Hill Municipal Court
120 E. Black Street
Rock Hill, South Carolina 29730



Lorri Rodgers, Paralegal
Law Offices of Michael L. Brown, Jr.
P.O. Box 1025
Rock Hill, South Carolina 29731
(803) 328.8822
(803) 328.0523 (via facsimile)

August 27, 2013

NOTICE OF APPEAL FROM THE BENCH TRIAL ORDER ISSUED BY THE
CITY OF ROCK HILL MUNICIPAL COURT

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas for York County

APPEAL FROM ROCK HILL MUNICIPAL COURT
Peter Lenzi, Presiding Municipal Court Judge

Ticket No.: 35592 GE_____

James Delaney Allen III,

Appellant,

v.

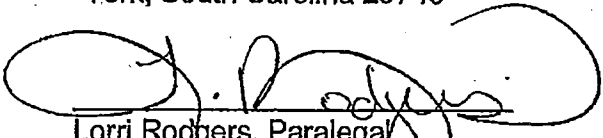
The City of Rock Hill,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby acknowledges that a true and correct copy of the
NOTICE OF APPEAL was hereby forwarded via regular mail, postage prepaid,
addressed to the following:

York County Court of Common Pleas Non Jury
Attn: Lynn Straight
Post Office Box 649
York, South Carolina 29745



Lorri Rodgers, Paralegal
Law Offices of Michael L. Brown, Jr.
P.O. Box 1025
Rock Hill, South Carolina 29731
(803) 328.8822
(803) 328.0523 (via facsimile)

August 27, 2013

NOTICE OF APPEAL FROM THE BENCH TRIAL ORDER ISSUED BY THE
CITY OF ROCK HILL MUNICIPAL COURT

THE STATE OF SOUTH CAROLINA
In the Court of Common Pleas for York County

APPEAL FROM ROCK HILL MUNICIPAL COURT
Peter Lenzi, Presiding Municipal Court Judge

Ticket No.: 35592 GE _____

James Delaney Allen III,

Appellant,

v.

The City of Rock Hill,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby acknowledges that a true and correct copy of the
NOTICE OF APPEAL was hereby forwarded via regular mail, postage prepaid,
addressed to the following:

City of Rock Hill Solicitor's Office
Attn: Chris Barton
201 East Main Street 3rd Floor
Rock Hill, South Carolina 29730



Lorri Rodgers, Paralegal
Law Offices of Michael L. Brown, Jr.
P.O. Box 1025
Rock Hill, South Carolina 29731
(803) 328.8822
(803) 328.0523 (via facsimile)

August 27, 2013

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2014-CP4603645³ ²⁶⁴⁹

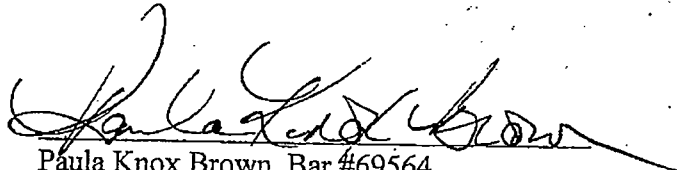
City of Rock Hill.....Appellant,

v.

James Delaney Allen, III.....Respondent.

NOTICE OF APPEAL

The City of Rock Hill appeals the judgment of the Honorable John C. Hayes, III, filed April 18, 2014. A copy of the order was mailed to the undersigned on April 21, 2014.



Paula Knox Brown, Bar #69564
and/or Christopher E. A. Barton
Attorney(s) for Appellant
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

May 16, 2014
Rock Hill, South Carolina

Other counsel of record:
Michael L. Brown, Jr.
Post Office Box 1025
Rock Hill, SC 29731

FILED-RECEIVED
2014 MAY 19 PM 4:08
DAVID HAMILTON
C.C.C.P. & GS
YORK COUNTY, SC

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

FILED-RECEIVED
2014 MAY 19 PM 4:08
DAVID PATTON
C.C.P. & SS
YORK COUNTY, SC

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 201³CP4603²⁶⁴³645

City of Rock Hill.....Respondent,

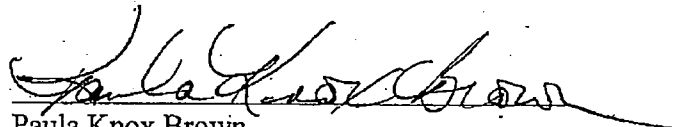
v.

James Delaney Allen, III.....Appellant.

CERTIFICATE OF SERVICE

I, Paula Knox Brown, hereby certify that I served the Notice of Appeal on Michael Brown, counsel for Respondent, by depositing a copy of the document in the United States mail, with sufficient postage affixed, on the 16th day of May, 2014. The envelope was addressed as follows:

Michael L. Brown, Jr.
Post Office Box 1025
Rock Hill, SC 29731



Paula Knox Brown
Attorney(s) for Respondent
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

April 16, 2014
Rock Hill, South Carolina

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

FILED-RECEIVED
2014 MAY 19 PM 4:08
DAVID FRANTZ
C.C. P. & GS
YORK COUNTY, SC

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2011 CP 4603645

City of Rock Hill.....Respondent,

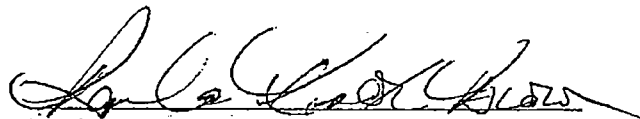
v.

James Delaney Allen, III.....Appellant.

CERTIFICATE OF SERVICE

I, Paula Knox Brown, hereby certify that I served the Notice of Appeal on the York County Clerk of Court's office, by depositing a copy of the document in the United States mail, with sufficient postage affixed, on the 16th day of May, 2014. The envelope was addressed as follows:

Lynn Strait
York County Clerk of Court's Office
Post Office Box 649
York, SC 29745.



Paula Knox Brown
Attorney(s) for Respondent
201 E. Main Street, Suite 300
Rock Hill, South Carolina 29730
803-329-5641

April 16, 2014
Rock Hill, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

JOHN C. HAYES, III, Circuit Court Judge

Case No. 2013-CP-46-02643

The City of Rock Hill,

Appellant,

James Delaney Allen, III

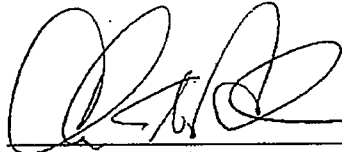
v.

Respondent.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies pursuant to Rule 203 (d)(2)(A) of the South Carolina Appellate Court Rules that a copy of the Notice of Appeal in the above captioned case has been served upon opposing counsel by depositing one (1) copy via Regular United States Mail, postage prepaid on the 24 day of October, 2014, to Michael L. Brown, Jr., Attorney for Respondent, Post Office Box 1025, Rock Hill, South Carolina. 29732.

October 24th, 2014



Christopher E. A. Barton
201 E Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
Attorney for Appellant

STATE OF SOUTH CAROLINA)	COURT OF COMMON PLEAS
)	
County of York)	2013-CP-46-02634
)	
City of Rock Hill,)	
)	
Appellant,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
James Delaney Allen,)	
)	
Respondent.)	

March 12th, 2014
York, South Carolina

BEFORE:

JOHN C. HAYES, III, JUDGE.

APPEARANCES:

PAULA BROWN, ESQ.
Attorney for the Appellant

MICHAEL L. BROWN, JR., ESQ.
Attorney for the Respondent

AMINAH R. HARDY, RPR, CVR-CM
Official Court Reporter

EXHIBITS

No.	Description	Page
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(No exhibits were marked.)

P R O C E E D I N G S

1
2 MR. BROWN: Changing gears, this case is different
3 from the others that we have before you today. This case
4 is unique. Mr. Allen was stopped for speeding on a county
5 road in York County. He was stopped by two officers who
6 do not make the arrest. They detain Mr. Allen. They're
7 within --

8 THE COURT: Is it Allen or Delaney? Allen Delaney
9 looks like his name.

10 MR. BROWN: We got James Allen. James Delaney Allen
11 is his name. Delaney is his middle name, Your Honor.

12 THE COURT: I see his name.

13 MR. BROWN: But he's stopped for speeding on a county
14 road in York County within the jurisdiction of Rock Hill
15 Police Department. These officers detain him, ask him a
16 few questions, and then wait for another officer, Officer
17 Lambert to arrive about ten minutes later. Officer
18 Lambert makes the actual arrest. At no time does Officer
19 Lambert observe the conducted described by the statute,
20 56-5-2930, which requires somebody driving. State v.
21 Graves, which I'm sure this Court is well aware of,
22 requires more than a car being cranked up and the car
23 being in drive. It requires the vehicle being in motion.
24 At no time does Officer Lambert observe this. He
25 makes the arrest and proceeds further to charge him with

1 driving under the influence, gives a field sobriety test
2 and so forth. Pursuant to 17-13-30 of the South Carolina
3 code of laws as amended, the sheriffs and deputy sheriffs
4 of this state may arrest without warrant any and all
5 persons who, within their view, violate any of the
6 criminal laws of this state if such arrest be made at the
7 time of such violation of law or immediately thereafter.

8 This was interpreted in State v. Mims, which I'll
9 hand up, give a copy to opposing counsel. Bottom
10 right-hand corner of that opinion, Your Honor, if an
11 officer doesn't know of the acts constituting an offense,
12 that offense is not being committed in his presence. With
13 respect to the justification of arrest by warrant, the
14 acts must be known to the officer at the time of their
15 commission through his sensory perception, and he must
16 infer they constitute an offense. Same thing, Your Honor,
17 is recited again in the case of State v. Williams, which
18 this particular case relies on. The exact same language
19 is used again in that case.

20 Your Honor, in essence what the Rock Hill Police
21 Department is trying to do is transfer a probable cause
22 from one officer to another, which I submit they can't do
23 under this statute. I would have no argument if the
24 officer who stopped Mr. Allen originally had been on the
25 ticket or had been on the arrest. In this case, they just

1 hand it off to another officer who did not witness the
2 conduct of driving in this case.

3 THE COURT: All right. Ms. Brown?

4 MS. BROWN: Your Honor, I do apologize to the Court,
5 but we have the same issue that the Court had with respect
6 to this particular case. I actually just got this file
7 material just before leaving work because we were looking
8 for this under James Allen Delaney.

9 THE COURT: I think that's just the way it was
10 printed on the...

11 MR. BROWN: Is that my fault, Judge?

12 THE COURT: No, it says filing party, James Delaney
13 Allen, and then when it says the case, it has it as James
14 Allen Delaney, so that's -- I'm not going to blame anybody
15 in this room. Just a transposition of the name.

16 MS. BROWN: But Your Honor, I think there's a case
17 that needs to be read in conjunction with this, because I
18 remember researching this a good while ago. But I would
19 like the same ten days that I've got on the other case.
20 I'd like to respond to this, because I want to get that
21 case before I speak upon that.

22 THE COURT: All right.

23 MR. BROWN: Your Honor, I'd almost bet the case she's
24 going to pull out is Fradella v. Town of Mount Pleasant,
25 and I want to distinguish this case while I'm here today.

1 That particular case -- and I know what you're pulling
2 out -- that particular case, there's a wreck involved.
3 Highway patrolman goes out there, investigates the wreck.
4 Goes to the defendant's house. The defendant admits he
5 was the driver, admits he had been drinking and wrecked
6 the car, hadn't had anything to drink since the wreck.

7 This is completely different, Your Honor, based on
8 the facts I've been -- presented this Court today in that
9 there's no wreck involved. There's no circumstantial
10 evidence here. This is a direct evidence case where they
11 saw him driving, stopped him for speeding.

12 THE COURT: Wreck versus speeding. You see the wreck
13 with the sensory perception. He could see that there had
14 been a wreck, but they didn't see any speeding because the
15 car was obviously stopped when he arrived.

16 MR. BROWN: Circumstantial evidence versus direct,
17 Your Honor.

18 MS. BROWN: Your Honor, that's not the case I was
19 planning to pull out, but I appreciate that.

20 THE COURT: I believe I pulled that one out. All
21 right. I'll take that one under advisement too.

22 (Whereupon, the proceedings were concluded.)
23
24
25

- Story changed
Repeatedly about how
much he drank

- 58 in 35

CITY OR COUNTY OF Rock Hill VERSUS
FIRST NAME James MIDDLE NAME Dolaney LAST NAME Allen III

STREET AND NO. 2774 Road Hill Ct CITY Rock Hill STATE SC ZIP CODE 29730

STATE LICENSED SC DRIVER'S LICENSE NO. [REDACTED] CDL YES NO
DRI LIC. CLASS D

VEH. LIC. NO. FR 5867 STATE SC MAKE OF VEH Chev YEAR 12 COOL VEH AUTO MOPED HAZ. MT. MTR/CL OTHER

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT
NAME OF TRIAL COURT Mun. Court STREET AND NO. 126 E Black St

DATE OF TRIAL 10/10/12 TIME OF TRIAL 1:00 PM CITY Rock Hill STATE SC ZIP CODE 29730

VIOLATION - COURT APPEARANCE REQUIRED YES NO
DUI 1st (Refusal) VIOLATION SECTION NO. 56-5-2930

OWNER OF VEHICLE Hunt, Altavise DATE OF ARREST 09/22/12
ADDRESS OF OWNER Same DATE OF VIOLATION 09/22/12

BAIL DEPOSITED [REDACTED] NAME OF ARRESTING OFFICER B.K. Lambert RANK PO1

RACE B/M SEX M DESCRIPTION OF ACCUSED [REDACTED] COUNTY York NUMBER 46
DATE BAIL RECD. 10/10/12 BY [REDACTED] BADGE 4315 TROOP 9

CASE BEFORE MAGISTRATE MUN. COURT
CIRCUIT COURT FAMILY COURT FEDERAL COURT

NAME OF TRIAL COURT [REDACTED] TIME OF VIOLATION 0050 AM WEATHER 15
IF DIFFERENT FROM ABOVE.

DEFENDANT: DID NOT APPEAR APPEARED
DISPOSITION

NOLLE PROSSED GUILTY
FORFEITED BOND PLED: NOLLO CONTENDERE

TRIAL BY: TRIAL JUDGE JURY DATE OF TRIAL IF ANY 10/10/12

VERDICT OF TRIAL IF ANY GUILTY NOT GUILTY

COMMITTED TO: Vehicle Searched yes Arrest as Result of Collision no
OFFENSE CODE 99 B.A. LEVEL R

CERTIFIED CORRECT DATE 10/10/12 35592 GE

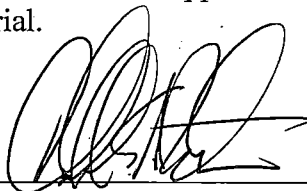
DRIVER'S RECORD COPY

1209221044

S. Curran
10-9-12

CERTIFICATE OF COUNSEL

Counsel for the Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Christopher E. A. Barton
201 E Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
ATTORNEY FOR APPELLANT

This 24th day of June, 2015.

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

JUN 29 2015

APPEAL FROM YORK COUNTY
Court of Common Pleas
Case No. 2013-CP-46-02643

SC Court of Appeals

JOHN C. HAYES, III, Circuit Court Judge

Appellate Case No. 2014-002286

City of Rock Hill,

Appellant,

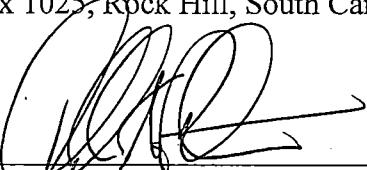
v.

James Delaney Allen, III,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that two copies of the Record on Appeal have been served upon opposing counsel by mailing a copy via regular U.S. Mail to him on the 29th day of June, 2015, to Michael L. Brown, Jr., Attorney for Respondent, Post Office Box 1025, Rock Hill, South Carolina 29731.



Christopher E. A. Barton
201 E Main Street, 3rd Floor
Rock Hill, South Carolina 29730
(803) 329-5692
ATTORNEY FOR APPELLANT



RECEIVED

JUN 29 2015

SC Court of Appeals

June 24, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: City of Rock Hill, Appellant v. James D. Allen, Respondent
Appellate Case Tracking No. 2014-002286

Dear Ms. Kitchings:

Enclosed please find one (1) original and fourteen (14) copies of the Record on Appeal in regards to the above-referenced case.

With kindest regards,

Christopher E. A. Barton

cc: Michael L. Brown, Jr., Esquire
Post Office Box 1025
Rock Hill, South Carolina 29731
(803) 328-8822
Attorney for Respondent

CITY OF ROCK HILL SOLICITOR'S OFFICE

201 E. MAIN STREET, 3RD FLOOR, ROCK HILL, SOUTH CAROLINA 29730
OFFICE 803/329-5619 FACSIMILE 803/326-3865



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