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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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DEC 04 2015

Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No. 2015-000887

Anna Dillard Wilson ..... Respondent,

v.

S.C. Department of Motor Vehicles ..... Appellant.

**RECORD ON APPEAL**

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ATTORNEY FOR RESPONDENT

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FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-40-3750

Anna Dillard Wilson

SC Department of Motor Vehicles

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: John D. Elliott	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <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.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(b), 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

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

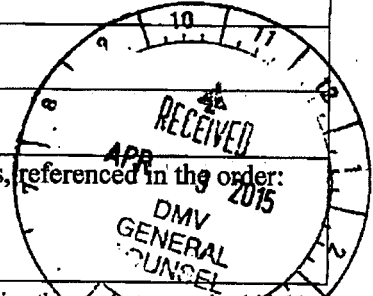
This order  ends  does not end the case.  
 Additional Information for the Clerk :

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 on 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.

Circuit Court Judge  
 SCRPC Form 4C (12/2011)

Judge Code

Date

2061 323-15

SCANNED

0003

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 26 day of Mar 2015 to attorneys of record or to parties (when appearing pro se) as follows:

John D. Elliott  
P.O. Box 607  
Columbia SC 29202  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

Frank L. Valenta, Jr.  
P.O. Box 1498  
Blythewood SC 29016-0020  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter: Crystal M. Holmes**

**CLERK OF COURT**  
*Jeanette W. McBride*

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
S.C. Department of Motor Vehicles, )  
 )  
Defendants. )

Civil Action No. 2014-CP-40-3750

**ORDER**

2015 MAR 23 AM 11:36  
RICHLAND COUNTY  
FILED  
JENNIFER W. MCCANNIE  
C.C.P. CLERK

DATE OF HEARING: January 20<sup>th</sup>, 2015  
PRESIDING JUDGE: Hon. L. Casey Manning  
PLAINTIFF'S COUNSEL: John D. Elliott, Esquire  
DEFENDANT'S COUNSEL: Frank L. Valenta, Jr., Esquire  
COURT REPORTER: Crystal M. Holmes

This is an order granting injunctive relief to the plaintiff, a South Carolina motorist, enjoining the defendant Department of Motor Vehicles from suspending her license to drive.

The parties appeared with their counsel on the date above. After entertaining the evidence and exhibits introduced by the parties, this court arrived at the following findings and conclusions.

1. Plaintiff is a citizen and resident of South Carolina, with a license to drive issued by the South Carolina Department of Motor Vehicles, No. 8137XXX.
2. On June 11<sup>th</sup>, 2009, the plaintiff pleaded guilty to first offense driving under the influence of alcohol in the Irmo, South Carolina Municipal Court.
3. The plaintiff timely paid her fine of \$1,026.91. On June 18<sup>th</sup>, 2009, the plaintiff enrolled in the Alcohol and Drug Safety Action Program, or ADSAP, and successfully completed the program.
4. The plaintiff's privilege to drive was suspended by the Department of Motor Vehicles for her failure to comply with the implied consent statute, S.C.Code Ann. § 56-5-2950

SCANNED

(Supp.2009), beginning August 29<sup>th</sup>, 2009, and reinstated on November 11<sup>th</sup>, 2009 after the expiration of the requisite 90 day period.

5. The week following her conviction, the plaintiff contacted the Irmo Town Clerk to inquire about whether the record of conviction had been sent to the Department of Motor Vehicles so that her suspension required by conviction would commence. A notation on the record of the conviction maintained by the Irmo Town Clerk asserts the "ticket" was sent to the Department of Motor Vehicles on July 1<sup>st</sup>, 2009.

6. The plaintiff contacted the Department of Motor Vehicles to inquire about the further suspension of her driver's license required by her entry of a plea to driving under the influence. She received no response to her inquiries. The plaintiff also contacted her long-time insurance agent, who went to a branch of the Department of Motor Vehicles to inquire about the suspension and the plaintiff's need for auto insurance in the wake of her conviction for driving under the influence. These inquiries occurred in August and September, 2009. The records of the Department of Motor Vehicles apparently did not reflect a record of conviction and officers of the department informed both the plaintiff and her agent there was no such record.

7. Audits routinely conducted by the Department of Motor Vehicles for traffic citations issued by the Town of Irmo for the years 2010, 2011 and 2013 showed the plaintiff's citation for driving under the influence as "outstanding."

8. Apparently at some juncture after the last audit, the department's records were updated to show the status of the citation. On May 27<sup>th</sup>, 2014, nearly five years to the day after pleading guilty to the offense, the department notified the plaintiff of the suspension of her license to drive.

9. The plaintiff maintains she suffer significant immediate hardship and irreparable harm with the imposition of a suspension after this lapse of time. The plaintiff is in the medical

field and has a license as a registered nurse. She testified that she lost her job in the wake of her conviction and it was months before she could find employment. The plaintiff is now employed with a company which does not know of her conviction and which requires that she operate a motor vehicle in connection with her employment, without limitations. The plaintiff also now carries mortgages on two separate residences, as she tries to sell her former residence. The plaintiff has a reasonable fear that her job will be jeopardized by any suspension of her driver's license at this juncture, or upon disclosure of her conviction at this late date.

10. The department argues that it is blameless in the lapse between the entry of the conviction for driving under the influence and the imposition of the suspension of the plaintiff's license to drive. While this may be true, the test is whether the plaintiff will be deprived of fundamental fairness required by due process of law in the suspension of her driver's license after a significant lapse of time. *See, Hipp v. S.C. Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009). There, the court held that both the driver and the department were blameless in the 12 year lapse of time between the conviction there and its recording with the Department of Motor Vehicles, triggering suspension. *Id.*, at fn. 2.

11. The department argues that the plaintiff should have done more to impose the requisite suspension on herself, but it is difficult to see how much more she could have done after she and her insurance agent made several inquiries of the department about the suspension without success. Nor was it incumbent on the plaintiff's lawyer to see to it his client's license was suspended. The attorney owed his client a duty of loyalty, not the department.

12. This court finds and concludes that the lapse of time of five years between the plaintiff's conviction for driving under the influence and her suspension will deprive the plaintiff fundamental fairness of the law required by due process and cause the plaintiff hardship. The plaintiff has no other remedy at law.

NOW THEREFORE, based on the foregoing, it is accordingly

ORDERED, ADJUDGED and DECREED that the South Carolina Department of Motor Vehicles is permanently enjoined from suspending the plaintiff's license to drive for her conviction for driving under the influence entered June 11<sup>th</sup>, 2009.

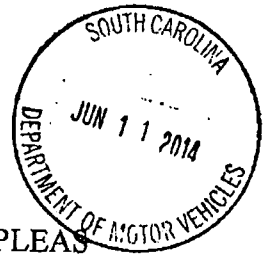
AND IT IS SO ORDERED.



HON. L. CASEY MANNING  
Circuit Judge, Court of Common Pleas  
for Richland County

Columbia, South Carolina

March 23 2015



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Anna Dillard Wilson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 S.C. Department of Motor Vehicles, )  
 )  
 Defendants. )

IN THE COURT OF COMMON PLEAS

**2014CP400** 3750

Civil Action No.

**ORDER GRANTING TEMPORARY  
 RESTRAINING ORDER**

RICHLAND COUNTY  
 2014 JUN 10 PM 2:41  
 JENNIFER W. BOBIN  
 C.C.P. & G.S.

This is an order granting a temporary restraining order on behalf of the plaintiff.

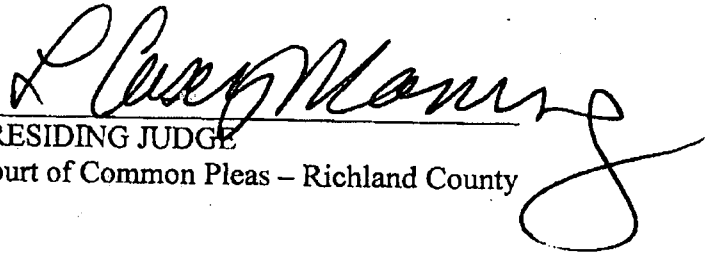
The plaintiff is facing the suspension of her license to drive, five years after her conviction for driving under the influence of alcohol. The plaintiff asserts that this is a denial of fundamental fairness under the authority of *Hipp v. South Carolina Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009).

The plaintiff has demonstrated a colorable claim, and has also demonstrated the potential for irreparable harm in the suspension of her license to drive, threatening her livelihood. Suspension is imminent, and that action is in the exclusive domain of the defendant Department of Motor Vehicles.

Good cause having been shown, pursuant to Rule 65(b) of the South Carolina Rules of Civil Procedure,

IT IS THEREFORE ORDERED that the defendant is restrained and enjoined from suspending the plaintiff's license to drive, until a hearing may be held on the plaintiff's action, on the 17<sup>th</sup> day of June, 2014, at 10:00 o'clock A M. The plaintiff is not required to post security.

AND IT IS SO ORDERED.

  
PRESIDING JUDGE  
Court of Common Pleas - Richland County

Columbia, South Carolina  
June 10 2014

ENTERED June 10, 2014 at 2:20 'o'clock P M.  
BY: Judge for the Clerk of Court

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

ANNA DILLARD WILSON

Plaintiff(s)

vs.

SC DEPARTMENT OF MOTOR VEHICLES

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014CP400 3750

(Please Print)

Submitted By: John D. Elliott

Address: P. O. Box 607, Columbia SC 29202

SC Bar #: 1869

Telephone #: 803. 252. 9236

Fax #: 803. 799. 2079

Other:

E-mail: jayel@mindspring.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action Is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.
NON-JURY TRIAL demanded in complaint.
This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts: Constructions (100), Debt Collection (110), Employment (120), General (130), Breach of Contract (140), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20 -CP- -, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Assault/Slander/Libel (300), Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Other (399)
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Other (799)
Administrative Law/Relief: Reinstate Driver's License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Commission (990), Employment Security Comm (991), Other (999)
Special/Complex /Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Sexual Predator (510)

Submitting Party Signature:

John D. Elliott

Date: June 9th, 2014

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

**FOR MANDATED ADR COUNTIES ONLY**

Allendale, Anderson, Beaufort, Colleton, Florence, Greenville, Hampton, Horry,  
Jasper, Lexington, Pickens (Family Court Only), Richland, Union and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

**You are required to take the following action(s):**

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.  
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

Anna Dillard Wilson )  
 Plaintiff )

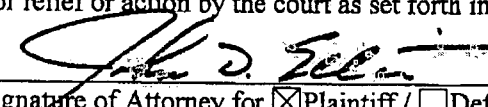
v. )

S.C. Department Of Motor Vehicles )  
 Defendant. )

IN THE COURT OF COMMON PLEAS

CASE NO.

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET

Plaintiff's Attorney: John D. Elliott, Bar No. 1869 Address: P.O. Box 607, Columbia SC 29202 phone: 252.9236 fax: 799.2079 e-mail:            other:	Defendant's Attorney: , Bar No. _____ Address: phone:            fax: e-mail:           other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Estimated Time Needed: 1 Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	
June 9, 2014 Date submitted	
<b>SECTION III: Motion Fee</b>	
<input checked="" type="checkbox"/> PAID - AMOUNT: \$25.00 <input type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCPP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE  CODE: _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____  <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	Date Filed: _____

RICHLAND COUNTY  
 2014 JUN -9 PM 9:57  
 JEANETTE W. MERRITT  
 C.C.P. CLERK

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson, )  
Plaintiff, )  
vs. )  
S.C. Department of Motor Vehicles, )  
Defendants. )

Civil Action No.

**MOTION FOR TEMPORARY  
RESTRAINING ORDER**

RICHLAND COUNTY  
FILED  
2014 JUN -9 PM 3:57  
JEANNETTE M. HARRISON  
C.C.P. & E.S.

The plaintiff moves for a temporary restraining order in this action for injunctive relief, on the following grounds.

The plaintiff entered a plea of guilty to the offense of driving under the influence of alcohol on June 11<sup>th</sup>, 2009. Five years later, almost to the day, the plaintiff was notified of the suspension of her license. The notification is attached.

As can be seen, the notice requires that she surrender her license, obtain expensive SR-22 insurance, and participate in the Alcohol Drug Safety Action Program, or ADSAP.

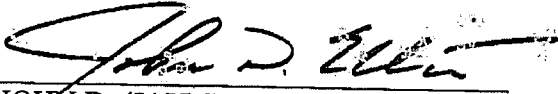
The lengthy delay in the imposition of this suspension is a denial of fundamental fairness. *See, Hipp v. South Carolina Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009), which is attached. The plaintiff did all things expected of her in complying with the law, and in addition, took steps to insure that the suspension would take place timely. (See attached affidavit.) In response, the plaintiff was assured by the authorities the conviction was transmitted to the Department of Motor Vehicles.

Now, five years after the fact, the plaintiff is facing the loss of her driver's license – a property right secured by the federal and state constitutions – and may face the loss of her job in addition.

The plaintiff therefore moves for a temporary restraining order pursuant to Rule 65(b) of the South Carolina Rules of Civil Procedure. The plaintiff will suffer immediate and irreparable injury; the imposition of the suspension is to take place Wednesday, June 11, 2014, fully five years after her conviction. The plaintiff has no other adequate remedy at law; there is no appeal to be had to the Administrative Law Court regarding the suspension. Accordingly, the only remedy available to the plaintiff is with this court.

The plaintiff respectfully requests that she be excused from any requirement that she post security, since this request for a temporary restraining order does not involve a dispute over money or an action *in rem*.

The plaintiff therefore moves for an order of this court temporarily enjoining the defendant South Carolina Department of Motor Vehicles from suspending the plaintiff's license to drive until a hearing may be heard on her motion.

  
JOHN D. (JAY) ELLIOTT  
Attorney for Anna Dillard Wood  
1122 Lady Street - Fifth Floor  
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Columbia, South Carolina 29202  
Phone: (803) 252-9236  
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E-Mail: [jayel@mindspring.com](mailto:jayel@mindspring.com)

Columbia, South Carolina  
June 9<sup>th</sup> 2014

Charles R. HIPP, III, Respondent,

v.

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES, Appellant.

No. 26588.

Supreme Court of South Carolina.

January 26, 2009

Heard Dec. 4, 2008.

General Counsel Frank L. Valenta, Jr., Deputy General Counsel Philip S. Porter, and Assistant General Counsel Linda A. Grice, all of Blythewood, for Appellant.

Michael A. Timbes, of Thurmond, Kirchner & Timbes, of Charleston, for Respondent.

PER CURIAM:

[381 S.C. 324] South Carolina Department of Motor Vehicles (SCDMV) appeals the order of the circuit court enjoining it from suspending the driver's license of Respondent Charles R. Hipp, III (Respondent) as a consequence of Respondent's 1993 Georgia conviction for driving under the influence (DUI). We affirm.

FACTS

Respondent was arrested and pled guilty to DUI in the State of Georgia in 1993. At the time of the arrest, Respondent was a South Carolina resident attending college in South Carolina, and a driver licensed by the South Carolina Department of Motor Vehicles (SCDMV). As a result of his plea, Respondent paid a fine to the State of Georgia and fulfilled other conditions required by Georgia. In 2005, twelve years after his conviction, Respondent received notice from the SCDMV that his South Carolina driver's license was being suspended as a consequence of his 1993 Georgia DUI conviction. Respondent filed a declaratory judgment action asking the court to enjoin suspension of his license. The circuit court issued an order enjoining the SCDMV from suspending Respondent's driver's license.

ISSUE

Did the circuit court err in enjoining the suspension

of Respondent's driver's license?

STANDARD OF REVIEW

"Actions for injunctive relief are equitable in nature."

[381 S.C. 325] *Shaw v. Coleman*, 373 S.C. 485, 492, 645 S.E.2d 252, 256 (Ct.App.2007). In actions in equity this Court may find facts in accordance with its own view of the preponderance of the evidence. *Id.*

ANALYSIS

The circuit court cited three grounds for enjoining suspension of Respondent's driver's

Page 417

license: (1) that the applicable statute is ambiguous; (2) the doctrine of laches; and (3) that suspension twelve years after conviction violates the "fundamental fairness" required by due process. We find the circuit court's conclusion as to fundamental fairness to be persuasive and so, affirm.[1]

A person's interest in his driver's license is property that a state may not take away without satisfying the requirements of due process. *Bell v. Burson*, 402 U.S. 535, 91 S.Ct. 1586, 29 L.Ed.2d 90 (1971). Due process is violated when a party is denied fundamental fairness. *City of Spartanburg v. Parris*, 251 S.C. 187, 191, 161 S.E.2d 228, 230 (1968).

This Court addressed facts similar to those in the case at hand in *State v. Chavis*, 261 S.C. 408, 200 S.E.2d 390 (1973). While we found fundamental fairness was not violated by suspension after a one-year delay, we allowed that there might be circumstances under which it could be soundly held that the State had no right to suspend a driver's license after a lengthy delay. *Id.* at 411, 200 S.E.2d at 391. We find in the instant case the extreme circumstances contemplated by *Chavis*.

While we do not intend to set forth a bright line rule, we find that imposition of a suspension after more than twelve years delay, where Respondent bears no fault for the delay, is manifestly a denial of fundamental fairness.[2] Though neither dispositive nor directly applicable to the instant case, we note

[381 S.C. 326] that Title 56 of the South Carolina Code, which addresses "Motor Vehicles," is replete with ten-year limitations for purposes of sentence enhancement and keeping record of convictions. *See, e.g.*, S.C.Code Ann. § § 56-1-746 (for purposes of determining a prior offense for sentence enhancement of alcohol-related offenses, only convictions within ten years of the date of the most recent violation are

2014 JUN -9 PM 3:57  
JAMES H. HARRIS  
C.C.P. & G.  
RICHARD GIBNEY  
FILED

considered prior offenses); 56-1-1340 (violation convictions shall be entered in the records of the SCDMV for a period of ten years); 56-5-2940 (for sentence enhancement of convictions for operating motor vehicle under influence of alcohol or drugs, only those violations which occurred within ten years preceding date of last violation constitute prior violations); 56-5-1990 (in determining time of suspension of driver's license, only violations which occurred within ten years of the last violation shall constitute prior violations).

#### CONCLUSION

We agree with the circuit court that under the unique circumstances of this case, the attempted suspension of Respondent's driver's license twelve years after conviction constitutes a denial of fundamental fairness. The order enjoining suspension is therefore

**AFFIRMED.**

TOAL, C.J., WALLER, PLEICONES, BEATTY  
and KITTREDGE, JJ., concur.

---

#### Notes:

[1] Having found the circuit court's decision supported by its finding that Respondent was denied fundamental fairness, we do not address the remaining grounds. See *Wilson v. Moseley*, 327 S.C. 144, 147, 488 S.E.2d 862, 864 (1997).

[2] It should be noted that neither Respondent nor SCDMV is at fault for the delay. The unexplained delay in reporting the 1993 violation appears to be solely attributable to the inaction of the State of Georgia.

---

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson, )  
 )  
Plaintiff, )

Civil Action No.

vs. )

S.C. Department of Motor Vehicles, )  
 )  
Defendants. )

**SUMMONS**  
(Declaratory and Injunctive Relief)

RICHLAND COUNTY  
FILED  
2014 JUN -9 PM 3:57  
JEANETTE M. HARRIS  
C.C.P. CLERK

TO: THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your answer to the said Complaint upon the subscriber at his office, 1122 Lady Street, NBSC Building, Fifth Floor, Columbia, South Carolina 29201 within thirty (30) days after the date of service hereof, exclusive of the date of such service; and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint, and an Order of Default and Judgment against you will be rendered for that relief so demanded in the Complaint.



JOHN D. (JAY) ELLIOTT  
Attorney for Anna Dillard Wood  
1122 Lady Street - Fifth Floor  
Post Office Box 607  
Columbia, South Carolina 29202  
Phone: (803) 252-9236  
Fax: (803) 799-2079  
E-Mail: [javel@mindspring.com](mailto:javel@mindspring.com)

Columbia, South Carolina  
June 27 2014

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson, )  
Plaintiff, )

Civil Action No.

vs. )

S.C. Department of Motor Vehicles, )  
Defendants. )

**COMPLAINT**  
(Declaratory and Injunctive Relief)

JEANNETTE N. HARRIS  
C.C.P. & C.S.  
2014 JUN - 5 PM 3:57  
RICHLAND COUNTY  
CLERK

Plaintiff, complaining of the defendant herein, would respectfully show this court as follows:

1. Plaintiff is a citizen and resident of Lexington County, South Carolina. At all times material to this complaint the plaintiff was a citizen and resident of Richland County, South Carolina.
2. At all times material to this complaint, Defendant South Carolina Department of Motor Vehicles is the state department charged with, among other duties, the issuance and suspension of licenses held by the motoring public to drive on the roads and highways of South Carolina. Its principal place of business is Richland County, South Carolina.
3. The plaintiff brings this action for declaratory and injunctive relief under the equitable powers of this court, and pursuant to S.C. Code Ann. Section
4. The plaintiff has a license to drive issued by the South Carolina Department of Motor Vehicles, No.
5. On June 11<sup>th</sup>, 2009, the plaintiff pleaded guilty to first offense driving under the influence of alcohol in the Irmo, South Carolina Municipal Court.
6. Thereafter, the plaintiff did all things expected of her to comply with the law. (See attached affidavit of plaintiff, with exhibits.)

7. On May 27<sup>th</sup>, 2014, nearly five years to the day after pleading guilty to the offense, suddenly and without warning, the defendant notified the plaintiff of the suspension of her license to drive.

8. The extreme lapse of time between the conviction, and now the suspension of the plaintiff's license to drive a motor vehicle is a deprivation of due process of law secured by the federal and state constitutions, amounting to a denial of fundamental fairness.

9. The plaintiff will suffer significant immediate hardship and irreparable harm with the imposition of a suspension after such an extreme lapse of time. The plaintiff has no other adequate remedy at law.

10. Accordingly, the plaintiff requests this court issue an order declaring the action of the department a violation of due process of law, depriving the plaintiff of fundamental fairness, and enjoining the department from suspending her license to drive a motor vehicle, temporarily and permanently.

WHEREFORE the plaintiff prays declaratory and injunctive relief, including a temporary and permanent restraining order enjoining the defendant from suspending her license to drive a motor vehicle, together with such other and further relief as this court deems just and equitable.

  
JOHN D. (JAY) ELLIOTT  
Attorney for Anna Dillard Wilson  
1122 Lady Street - Fifth Floor  
Post Office Box 607  
Columbia, South Carolina 29202  
Phone 803.252.9236  
Fax 803.799.2079  
E-Mail: [jayel@mindspring.com](mailto:jayel@mindspring.com)

Columbia, South Carolina  
June 9<sup>th</sup>, 2014

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson, )  
 )  
Plaintiff, )

Civil Action No.

vs. )

**AFFIDAVIT OF ANNA DILLARD WILSON**

S.C. Department of Motor Vehicles, )  
 )  
Defendants. )

RICHLAND COUNTY  
FILED  
2014 JUN -9 PM 3:57  
JERAMETTE W. JOHNSON  
C.P. & F.V.

PERSONALLY appeared before me ANNA DILLARD WILSON, who being duly sworn,  
deposes and says as follows:

1. I am Anna Dillard Wilson, the plaintiff in this action. I reside at One Paddock Chase, Irmo, South Carolina. I have a license to drive issued by the South Carolina Department of Motor Vehicles.

2. On November 22<sup>nd</sup>, 2008 I was arrested and charged with driving under the influence of alcohol by the Irmo Police Department. On June 11, 2009 I pleaded guilty to the offense in the Irmo Municipal Court.

3. In order to obtain a license to drive with restrictions, I obtained paperwork that day to do so. The week following the conviction I went to enroll in the Alcohol Drug Safety Action Program or ADSAP. I was told by an official there that they had no paperwork from the Irmo court and could not enroll until they had the paperwork. The official told me she would call the Irmo court to confirm the conviction. She called me that afternoon and instructed me to report for orientation the next morning. I did so, and enrolled in the program.

4. I began the program on June 18, 2009 and paid \$500.00 to enter the program. The receipt is attached.

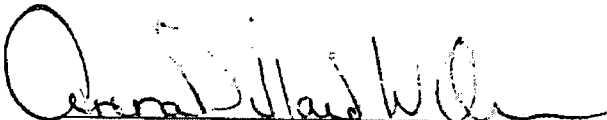
5. I completed the program on August 20, 2009, with an exit interview on September 3, 2009. That date, I paid \$160.00 for a random drug and alcohol screen. The receipt is attached.

6. The day after I completed the program, August 21, 2009, I called the Department of Motor Vehicles to inquire about obtaining a restricted license. I was told they had no conviction for driving under the influence on record. I then called the Irmo clerk for the town court. The clerk informed me that she had sent the conviction to the Department of Motor Vehicles on June 11, 2009 and that there was nothing else for her to do – her job was done.

7. In connection with the arrest, my license to drive was suspended for failure to comply with the implied consent statutes regarding the taking of a Breathalyzer test. That suspension ended on November 12, 2009.


8. On May 27, 2014, I received the attached notice of suspension of my driver's license, five years after the conviction. The notice directs me to, among other things, surrender my driver's license, obtain expensive SR-22 insurance, and participate in the ADSAP program. This notice was issued despite the fact I had done everything asked of me or directed to do so in order to comply with the law.

9. I am a registered nurse by training and I am the patient care coordinator for Bulow Orthotics and Prosthetic Solutions. I have been there three years. It took me two years after the incident to find a decent job. My job requires that I travel on behalf of the company to deliver needed medical devices to patients. A suspension of my driver's license would work a great hardship on me and potentially deprive me of my job.

  
ANNA DILLARD WILSON

SWORN TO and Subscribed Before Me

This 8<sup>th</sup> day of June, 2014

  
\_\_\_\_\_  
(L.S.)

Notary Public for South Carolina

My Commission Expires: 7.29.2020

REDACTED

Nikki R. Haley  
Governor



Kevin A. Shveda  
Executive Director

State of South Carolina  
Department of Motor Vehicles

05/27/2014

WILSON, ANNA DILLARD  
1 PADDOCK CHASE  
IRMO, SC 29063-2937

CUSTOMER NO: 26288811  
FILE NO: 17354768  
DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: You have been convicted of the offense listed below.

SECTION OF LAW: 56-5-2990

VIOL DATE	CONV DATE	TICKET#	VIOLATION DESCRIPTION
11/22/2008	06/11/2009	31588EE	Driving Under the Influence

BEGINNING DATE: 12:01 AM 06/11/2014    ENDING DATE: MIDNIGHT 12/11/2014

SPECIAL DRIVING PRIVILEGES:

If you are a licensed driver, you may be eligible for a special driving credential, (provisional driver's license for SC drivers or provisional permit for out-of-state drivers), if you enroll in ADSAP and provide proof of financial responsibility. Special driving privileges can only be issued for non-commercial class licenses and US Citizens or permanent resident card holders. If you do not receive special driving privileges, you may not drive until the suspension period has ended and you have done the following:

FINANCIAL RESPONSIBILITY:

You must do one of the following for 3 years from the ending date listed above:

1. have your insurance agent file a Certificate of Insurance (SR-22), or
2. deposit \$40,000 per motor vehicle with SC State Treasurer's Office, or
3. have a surety company issue a bond for you.

ALCOHOL DRUG SAFETY ACTION PROGRAM:

You must successfully complete the ADSAP Program within one year of enrollment. The SC Department of Alcohol and Other Drug Abuse Services will notify the Department or you have completed this requirement. If you have not successfully completed the program within this time, your driving privilege will be subject to suspension for Failure to Successfully Complete ADSAP. If you need information concerning this program, you may call the Department of Alcohol and Other Drug Abuse Services in your county.

REINSTATEMENT FEE:

You must pay a \$100.00 reinstatement fee. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card at [www.scdmvonline.com](http://www.scdmvonline.com). Make checks and money orders payable to SCDMV. Do not send cash through the mail.

TESTS:

You must successfully complete the vision, knowledge and skills test.

THIS LETTER CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

If you have not already turned in your license, you must return it to Driver Record: or your local DMV office.

LEXINGTON / RICHLAND  
ALCOHOL AND DRUG ABUSE COUNCIL

Phone (803) 250-8727  
P.O. Box 50897 Columbia, S.C. 29280

Acc. No. <b>55349</b>		Date <b>6/18/09</b>	
Received Of <b>DILLARD, ANNA</b>			
Address			
City			
Dollars <b>500</b>		Cents <b>00</b>	
Old Balance	On A/C	Paid In Full	100 Dollars New Balance
Draft	M.O.	Check: <b>#5549</b>	Cash
For <b>ADSAP</b>			
Thank You		Please keep this copy for reference.	

No. 62500

Rec'd by *Anna Ruff*

LEXINGTON PRINTING SERVICES WEST COLUMBIA SC 29171 3157477

**LRADAC**  
1325 Harden St.  
P. O. Box 50597  
Columbia, SC 29250  
Telephone: 803-256-3100  
FAX: 803-540-7682  
E-Mail: mail@lradac.org


# Check Payment Receipt

Receipt Number:	1169
Receipt Date:	9/3/2009
Account Number:	55349
Payment Amount:	<b>**160.00**</b>

**\*\*One Hundred Sixty Dollars And NO Cents\*\***

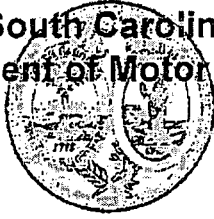
<i>N</i>	Anna R. Dillard
<i>a</i>	119 Weston Watch Rd
<i>m</i>	Irmo, SC 29063
<i>e</i>	

Balance Remaining on 9/3/2009 - 9:25am:	<b>** (35.00) **</b>
---	----------------------

<i>Received by (signature):</i>


REDACTED

South Carolina  
Department of Motor Vehicles



11/12/2009

DILLARD, ANNA RUTH  
119 WESTON WATCH RD  
IRMO, SC 29063-2006

CUSTOMER NO: 26288811  
FILE NO: 10465164  
DL NO:

DEAR CUSTOMER:

DMV records indicate that the period of your South Carolina suspension(s) has ended. You have met the requirements to fully clear the suspension(s).

If you are eligible to obtain a South Carolina driver's license, you must apply at a local DMV Office. You may be required to take the following tests:

Vision  
Knowledge  
Skills

Driver Records Manager

0027

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Anna Dillard Wilson,

Plaintiff,

-vs-

South Carolina Department of  
Motor Vehicles,

Defendant.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2014-CP-40-03750

**DEFENDANT'S RESPONSE  
TO PLAINTIFF'S MOTION  
FOR TEMPORARY RESTRAINING ORDER**

The Defendant South Carolina Department of Motor Vehicles (SCDMV) hereby responds to Plaintiff's Motion for Temporary Restraining Order filed with this Court on June 9, 2014. Defendant SCDMV does not object to a stay of suspension of Plaintiff's driving privileges pending the outcome of the merits in this matter.



LINDA ANNETTE GRICE, SC Bar # 2260

Assistant General Counsel

[linda.grice@scdmv.net](mailto:linda.grice@scdmv.net)

FRANK L. VALENTA, JR., SC Bar # 5682

General Counsel

PHILIP S. PORTER, SC Bar # 4526

Deputy General Counsel

South Carolina Department of Motor Vehicles

Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: 803.896.9900

Facsimile: 803.896.9901

Blythewood, South Carolina  
June 13, 2014

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Anna Dillard Wilson,

Civil Action No.: 2014-CP-40-03750

Plaintiff,

-vs-

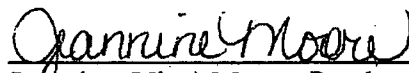
**CERTIFICATE OF SERVICE**

State of South Carolina Department of  
Motor Vehicles,

Defendant.

I HEREBY CERTIFY that on June 13, 2014, I served a copy of **Defendant's Response to Plaintiff's Motion for Temporary Restraining Order** on the Plaintiff, through his attorney, by depositing a copy of same in the United States Mail, postage prepaid, and via facsimile addressed as follows:

John D. Elliott, Esquire  
Post Office Box 607  
Columbia, South Carolina 29202  
*Via Facsimile @ (803)799-2079*



Jeannine (Nina) Moore, Paralegal  
Office of General Counsel  
South Carolina Department of Motor Vehicles

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Anna Dillard Wilson,  
Plaintiff,

Civil Action No.: 2014-CP-40-03750

-vs-

ANSWER

South Carolina Department of  
Motor Vehicles,  
Defendant.

RECEIVED  
JUL 29 AM 10:15  
CLERK OF COURT  
RICHLAND COUNTY

The Defendant South Carolina Department of Motor Vehicles (SCDMV), answers the Complaint as follows. Defendant SCDMV hereby denies any and all claims in the Complaint not specifically admitted, explained or otherwise qualified herein and demands strict proof of same.

1. Upon information and belief, Defendant SCDMV admits the allegations of paragraph 1 of the Complaint regarding the Plaintiff's residence.

2. Defendant SCDMV does not contest the allegations of paragraph 2 of the Complaint and admits that it is an agency of State government which issues driver's licenses in the State of South Carolina, with its headquarters located in Richland County.

3. Defendant SCDMV is without sufficient knowledge upon which to confirm or deny the allegations in paragraph 3 of the Complaint.

4. Upon information and belief, Defendant SCDMV admits so much of the allegations of paragraph 4 of the Complaint that Defendant SCDMV's records reflect that Plaintiff's driver's license number is

5. Defendant SCDMV is without sufficient knowledge upon which to confirm or deny the allegations in paragraph 5 of the Complaint, however, Defendant SCDMV does acknowledge that

192  
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RECEIVED  
JUL 29 2014  
D.M.V.  
GENERAL  
COUNTY

its records reflect that the Plaintiff was found guilty of driving under the influence (DUI) on June 11, 2009, in the Municipal Court of Irmo as evidenced by copy of ticket number 31588EE.

6. Defendant SCDMV is without sufficient knowledge upon which to confirm or deny the allegations in paragraph 6 of the Complaint.

7. In regard to paragraph 7 of the Complaint, on May 20, 2014, Defendant, SCDMV received a copy of ticket number 31588EE from the Irmo Municipal Court reflecting the Plaintiff's guilty conviction (Exhibit A). Accordingly, on May 27, 2014, Defendant SCDMV issued Plaintiff a notice of suspension for the DUI conviction. The Plaintiff did not surrender her license to the court on the date of her conviction therefore, pursuant to S.C. Code Ann. § 56-1-365, the suspension did not begin until the ticket was received and processed by the SCDMV.

8. The ticket, #31588EE was included in the SCDMV audit reports completed by the Irmo Police Department for 2010, 2011 and 2013. (Exhibits B, C and D) The ticket was reported as being in court of the 2010 and 2011 audits and as signed off (sent to SCDMV) in the 2013 report. There was no audit report submitted in 2012.

9. The Plaintiff's record as maintained by the SCDMV shows that the Plaintiff did not serve the suspension or go without her license after her DUI conviction. (Exhibit E).

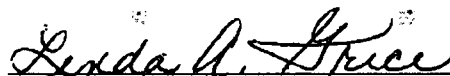
10. Defendant SCDMV denies the allegations contained in paragraph 8 of the Complaint.

11. Defendant SCDMV denies the allegations contained in paragraph 9 of the Complaint. The Plaintiff was convicted of a first offense DUI , therefore, pursuant to S.C. Code Ann. § 56-1-1320, she may apply to the Department of Motor Vehicles to obtain a provisional license to operate a motor vehicle. Plaintiff has already completed ADSAP and upon furnishing proof of responsibility as provided in S.C. Code Ann. § 56-1- 1350 and payment of the required fee, she may be issued a provisional license for the duration of the suspension.

*LSY*

12. Paragraph 10 of the Complaint is the recitation of the relief being sought by the Plaintiff and the Defendant SCDMV denies that the Plaintiff is entitled to the requested relief and asserts that there is an appropriate remedy available to the Plaintiff as outlined above.

WHEREFORE, the Defendant SCDMV, having fully answered the Complaint prays unto this Court that the same be dismissed with prejudice, with costs being assessed against the Plaintiff, and for such other and further relief as this Court may deem just and appropriate.



LINDA ANNETTE GRICE, SC Bar # 2260

Assistant General Counsel

FRANK L. VALENTA, JR., SC Bar # 5682

General Counsel

PHILIP S. PORTER, SC Bar # 4526

Deputy General Counsel

South Carolina Department of Motor Vehicles

Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: 803.896.9900

Facsimile: 803.896.9901

Email: linda.grice@scdmv.net

Blythewood, South Carolina  
July 24, 2014

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

Anna Dillard Wilson,

Civil Action No.: 2014-CP-40-03750

Plaintiff,

**CERTIFICATE OF SERVICE**

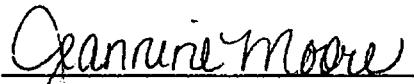
-vs-

State of South Carolina Department of  
Motor Vehicles,

Defendant.

I HEREBY CERTIFY that on July 24, 2014, I served a copy of the Answer on the Plaintiff, through her attorney, by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

John D. Elliott, Esquire  
Post Office Box 607  
Columbia, South Carolina 29202



Jeannine (Nina) Moore, Paralegal  
Office of General Counsel  
South Carolina Department of Motor Vehicles

REDACTED

FORM S-438

REV 3/09

STATE OF SOUTH CAROLINA  
Uniform Traffic Ticket

CITY OF IRMO

VERSUS

First Name <b>ANNA RUTH DILLARD</b>		Middle Name	Last Name	
Street and Number <b>119 WESTON WATCH ROAD,</b>		City <b>IRMO, SC</b>	State <b>SC</b>	Zip Code <b>29063</b>
State Licensed <b>SC</b>	Driver's License Number			
Veh Lic Number <b>356VXW-SC</b>	Model <b>NISSAN ALTIMA 4 DOOR</b>	Make of Veh <b>NISS</b>	Year <b>0000</b>	<b>N</b>

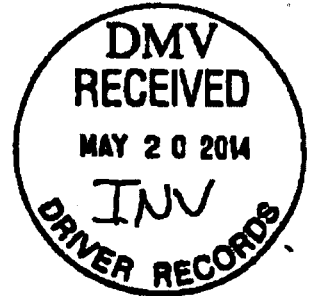
**YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER**

Name of Trial Officer <b>CITY OF IRMO</b>		Street and Number <b>7300 WOODROW ST.</b>		
Date of Trial <b>7/01/2009</b>	Time of Trial <b>12:12 PM</b>	City	State	Zip <b>IRMO, SC 29063</b>
Violation-Court Appearance Required <b>DUI 1ST OFFENSE &lt; 10</b>		Yes	No	Violation Sect Code <b>56-5-2930</b>
Owner of Vehicle		Date of Arrest <b>11/22/2008</b>		
Address of Owner		Date of Violation <b>11/22/2008</b>		
Bail deposited	Name of Arrest Officer <b>GRINSTEAD, ANDREA A</b>		Rank	
Description of Accused Race Sex Birth Date Height Weight Hair Eyes <b>W F 0 ft. 0 in. 0</b>		County <b>LEXINGTON</b>	Number	
Date Bail Red'd	By	Badge <b>18AAG</b>	District	
CASE BEFORE Circuit Court _____ Magistrate _____ Municipal Judge <u><b>X</b></u> Family Court _____ Federal Court _____		Day: <b>Saturday</b> Time of Violation / <b>23:54</b> Weather / _____ Distance in feet from Intersection of <b>THE 1300 BLOCK OF LAKE MURRAY BOULEVARD</b>		
Defendant Did not appear _____ Appeared _____		And		
DISPOSITION NOLLE PROSESSO _____ PLED GUILTY _____ FORFEITED BOND _____ NOL CONTENDERE _____		Distance in Feet from the intersection of		
TRIAL BY Judge		Hwy No		
Verdict of Trial if Any <b>DOCKET CLOSED - FOUND GUILTY</b>		Date of Trial if any		
Jail	Suspend	Fine <b>\$1026.91</b>	Amt Collected <b>997.00</b>	Amt Suspended
Long	Committed to		Vehicle Searched	Arrest result of Collision No
Offense Code	B A Level		TICKET NUMBER <b>31588EE</b>	
CERTIFIED CORRECT <b>JOSEPH M EPTING</b>		DATE <b>6/11/2009</b>		

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

*A. L. Phelps*

Driver Services, Deputy Director



**A TRUE COPY**

*K. Hopkins*  
LEXINGTON/RICHLAND  
IRMO MUNICIPAL COURT

**499 AM**

EXHIBIT A

0034

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010  
IRMO POLICE DEPT (131 )

CITATION STATUS CODES:

C-COURT S-SIGNED OFF (SENT TO SCDMV)  
U-UNUSED X-VOID (SENT TO SCDMV)  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<u>C60152CE</u>	<u>C60154CE</u>	<u>U60157CE</u>	<u>U60158CE</u>	<u>U60159CE</u>	<u>U60160CE</u>	<u>U60161CE</u>	<u>U60162CE</u>	<u>U60163CE</u>	<u>U60164CE</u>
<u>U60165CE</u>	<u>U60166CE</u>	<u>U60167CE</u>	<u>U60168CE</u>	<u>U60169CE</u>	<u>U60170CE</u>	<u>U60171CE</u>	<u>U60172CE</u>	<u>U60173CE</u>	<u>U60174CE</u>
<u>U60175CE</u>	<u>U60176CE</u>	<u>U60177CE</u>	<u>U60178CE</u>	<u>U60179CE</u>	<u>U60180CE</u>	<u>U60181CE</u>	<u>U60182CE</u>	<u>U60183CE</u>	<u>U60184CE</u>
<u>U60185CE</u>	<u>U60186CE</u>	<u>U60187CE</u>	<u>U60188CE</u>	<u>U60189CE</u>	<u>U60190CE</u>	<u>U60191CE</u>	<u>U60192CE</u>	<u>U60193CE</u>	<u>U60194CE</u>
<u>U60195CE</u>	<u>U60196CE</u>	<u>U60197CE</u>	<u>U60198CE</u>	<u>U60199CE</u>	<u>U60200CE</u>				
FIRST OUTSTANDING TICKET 60152CE	LAST OUTSTANDING TICKET 60200CE	01/24/2002	46						
<u>C44143DF</u>									
FIRST OUTSTANDING TICKET 44143DF	LAST OUTSTANDING TICKET 44143DF	12/31/2004	1						
<u>X37287DO</u>	<u>X37292DO</u>	<u>U37293DO</u>	<u>U37294DO</u>	<u>U37300DO</u>					
FIRST OUTSTANDING TICKET 37287DO	LAST OUTSTANDING TICKET 37300DO	11/14/2005	5						
<u>C56903EA</u>	<u>C56904EA</u>	<u>C56910EA</u>	<u>C56911EA</u>	<u>C56925EA</u>					
FIRST OUTSTANDING TICKET 56903EA	LAST OUTSTANDING TICKET 56925EA	01/31/2007	5						
<u>C57223EA</u>	<u>U57233EA</u>	<u>U57234EA</u>	<u>U57235EA</u>	<u>U57236EA</u>	<u>U57237EA</u>	<u>U57238EA</u>	<u>U57239EA</u>	<u>U57240EA</u>	<u>U57241EA</u>
<u>U57242EA</u>	<u>U57243EA</u>	<u>U57244EA</u>	<u>U57245EA</u>	<u>U57246EA</u>	<u>U57247EA</u>	<u>U57248EA</u>	<u>U57249EA</u>	<u>U57250EA</u>	
FIRST OUTSTANDING TICKET 57223EA	LAST OUTSTANDING TICKET 57250EA	01/31/2007	19						
<u>U57567EA</u>	<u>C57568EA</u>	<u>C57569EA</u>	<u>C57570EA</u>						
FIRST OUTSTANDING TICKET 57567EA	LAST OUTSTANDING TICKET 57570EA	01/31/2007	4						
<u>C58090EA</u>									
FIRST OUTSTANDING TICKET 58090EA	LAST OUTSTANDING TICKET 58090EA	01/31/2007	1						
<u>C58335EA</u>									
FIRST OUTSTANDING TICKET 58335EA	LAST OUTSTANDING TICKET 58335EA	01/31/2007	1						
<u>U31044EE</u>	<u>C31047EE</u>								
FIRST OUTSTANDING TICKET 31044EE	LAST OUTSTANDING TICKET 31047EE	05/21/2008	2						
<u>C31092EE</u>									
FIRST OUTSTANDING TICKET 31092EE	LAST OUTSTANDING TICKET 31092EE	05/21/2008	1						
<u>C31112EE</u>	<u>C31113EE</u>	<u>C31119EE</u>	<u>C31120EE</u>						
FIRST OUTSTANDING TICKET 31112EE	LAST OUTSTANDING TICKET 31120EE	05/21/2008	4						
<u>C31151EE</u>	<u>C31162EE</u>	<u>C31174EE</u>							
FIRST OUTSTANDING TICKET 31151EE	LAST OUTSTANDING TICKET 31174EE	05/21/2008	3						
<u>U31201EE</u>	<u>U31202EE</u>	<u>U31203EE</u>	<u>U31204EE</u>	<u>U31205EE</u>	<u>U31206EE</u>	<u>U31207EE</u>	<u>U31208EE</u>	<u>U31209EE</u>	<u>U31210EE</u>
<u>U31211EE</u>	<u>U31212EE</u>	<u>U31213EE</u>	<u>U31214EE</u>	<u>U31215EE</u>	<u>U31216EE</u>	<u>U31217EE</u>	<u>U31218EE</u>	<u>U31219EE</u>	<u>U31220EE</u>

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*A. L. Phelps*

Driver Services, Deputy Director

EXHIBIT B

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010  
IRMO POLICE DEPT (131 )

CITATION STATUS CODES:

C-COURT S-SIGNED OFF (SENT TO SCDMV)  
U-UNUSED X-VOID (SENT TO SCDMV)  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<u>U31221EE</u>	<u>U31222EE</u>	<u>U31223EE</u>	<u>U31224EE</u>	<u>U31225EE</u>	<u>U31226EE</u>	<u>U31227EE</u>	<u>U31228EE</u>	<u>U31229EE</u>	<u>U31230EE</u>
<u>U31231EE</u>	<u>U31232EE</u>	<u>U31233EE</u>	<u>U31234EE</u>	<u>U31235EE</u>	<u>U31236EE</u>	<u>U31237EE</u>	<u>U31238EE</u>	<u>U31239EE</u>	<u>U31240EE</u>
<u>U31241EE</u>	<u>U31242EE</u>	<u>U31243EE</u>	<u>U31244EE</u>	<u>U31245EE</u>	<u>U31246EE</u>	<u>U31247EE</u>	<u>U31248EE</u>	<u>U31249EE</u>	<u>U31250EE</u>
FIRST OUTSTANDING TICKET 31201EE LAST OUTSTANDING TICKET 31250EE 05/21/2008 58									
<u>C31304EE</u>									
FIRST OUTSTANDING TICKET 31304EE LAST OUTSTANDING TICKET 31304EE 05/21/2008 1									
<u>U31393EE</u>	<u>U31394EE</u>	<u>U31395EE</u>	<u>U31396EE</u>	<u>U31397EE</u>	<u>U31398EE</u>	<u>U31399EE</u>	<u>U31400EE</u>		
FIRST OUTSTANDING TICKET 31393EE LAST OUTSTANDING TICKET 31400EE 05/21/2008 8									
<u>X31407EE</u>	<u>U31424EE</u>	<u>U31425EE</u>	<u>U31426EE</u>	<u>U31427EE</u>	<u>U31428EE</u>	<u>U31429EE</u>	<u>U31430EE</u>	<u>U31431EE</u>	<u>U31432EE</u>
<u>U31433EE</u>	<u>U31434EE</u>	<u>U31435EE</u>	<u>U31436EE</u>	<u>U31437EE</u>	<u>U31438EE</u>	<u>U31439EE</u>	<u>U31440EE</u>	<u>U31441EE</u>	<u>U31442EE</u>
<u>U31443EE</u>	<u>U31444EE</u>	<u>U31445EE</u>	<u>U31446EE</u>	<u>U31447EE</u>	<u>U31448EE</u>	<u>U31449EE</u>	<u>U31450EE</u>		
FIRST OUTSTANDING TICKET 31407EE LAST OUTSTANDING TICKET 31450EE 05/21/2008 28									
<u>X31462EE</u>	<u>C31463EE</u>	<u>C31464EE</u>							
FIRST OUTSTANDING TICKET 31462EE LAST OUTSTANDING TICKET 31464EE 05/21/2008 3									
<u>C31501EE</u>	<u>C31528EE</u>	<u>C31535EE</u>							
FIRST OUTSTANDING TICKET 31501EE LAST OUTSTANDING TICKET 31535EE 05/21/2008 3									
<u>C31588EE</u>	<u>C31592EE</u>	<u>C31598EE</u>							
FIRST OUTSTANDING TICKET 31588EE LAST OUTSTANDING TICKET 31598EE 05/21/2008 3									
<u>C31621EE</u>	<u>C31643EE</u>	<u>C31647EE</u>	<u>C31648EE</u>						
FIRST OUTSTANDING TICKET 31621EE LAST OUTSTANDING TICKET 31648EE 05/21/2008 4									
<u>X31651EE</u>	<u>C31659EE</u>	<u>C31660EE</u>	<u>C31661EE</u>	<u>C31663EE</u>	<u>C31678EE</u>	<u>C31700EE</u>			
FIRST OUTSTANDING TICKET 31651EE LAST OUTSTANDING TICKET 31700EE 05/21/2008 7									
<u>C31719EE</u>	<u>C31720EE</u>	<u>U31721EE</u>	<u>U31722EE</u>	<u>U31723EE</u>	<u>U31724EE</u>	<u>U31725EE</u>	<u>U31726EE</u>	<u>U31727EE</u>	<u>U31728EE</u>
<u>U31729EE</u>	<u>U31730EE</u>	<u>U31731EE</u>	<u>U31732EE</u>	<u>U31733EE</u>	<u>U31734EE</u>	<u>U31735EE</u>	<u>U31736EE</u>	<u>U31737EE</u>	<u>U31738EE</u>
<u>U31739EE</u>	<u>U31740EE</u>	<u>U31741EE</u>	<u>U31742EE</u>	<u>U31743EE</u>	<u>U31744EE</u>	<u>U31745EE</u>	<u>U31746EE</u>	<u>U31747EE</u>	<u>U31748EE</u>
<u>U31749EE</u>	<u>U31750EE</u>								
FIRST OUTSTANDING TICKET 31719EE LAST OUTSTANDING TICKET 31750EE 05/21/2008 32									
<u>C31785EE</u>									
FIRST OUTSTANDING TICKET 31785EE LAST OUTSTANDING TICKET 31785EE 05/21/2008 1									
<u>C31807EE</u>	<u>C31815EE</u>	<u>C31818EE</u>							
FIRST OUTSTANDING TICKET 31807EE LAST OUTSTANDING TICKET 31818EE 05/21/2008 3									

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EXHIBIT B

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*A. L. Phelps*  
Driver Services, Deputy Director

CITATION STATUS CODES:  
C-COURT S-SIGNED OFF (SENT TO SCDMV)  
U-UNUSED X-VOID (SENT TO SCDMV)  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

FIRST OUTSTANDING TICKET 31304EE	LAST OUTSTANDING TICKET 31304EE	05/21/2008	1
<u>U</u> 31393EE <u>U</u> 31394EE <u>U</u> 31395EE <u>U</u> 31396EE <u>U</u> 31397EE <u>U</u> 31398EE <u>U</u> 31399EE <u>U</u> 31400EE	LAST OUTSTANDING TICKET 31400EE	05/21/2008	8
<u>U</u> 31424EE <u>U</u> 31425EE <u>U</u> 31426EE <u>U</u> 31427EE <u>U</u> 31428EE <u>U</u> 31429EE <u>U</u> 31430EE <u>U</u> 31431EE <u>U</u> 31432EE <u>U</u> 31433EE	<u>U</u> 31434EE <u>U</u> 31435EE <u>U</u> 31436EE <u>U</u> 31437EE <u>U</u> 31438EE <u>U</u> 31439EE <u>U</u> 31440EE <u>U</u> 31441EE <u>U</u> 31442EE <u>U</u> 31443EE		
<u>U</u> 31444EE <u>U</u> 31445EE <u>U</u> 31446EE <u>U</u> 31447EE <u>U</u> 31448EE <u>U</u> 31449EE <u>U</u> 31450EE	LAST OUTSTANDING TICKET 31450EE	05/21/2008	27
<u>C</u> 31463EE <u>C</u> 31464EE	LAST OUTSTANDING TICKET 31464EE	05/21/2008	2
<u>C</u> 31501EE <u>C</u> 31528EE <u>C</u> 31535EE	LAST OUTSTANDING TICKET 31535EE	05/21/2008	3
<u>C</u> 31588EE	LAST OUTSTANDING TICKET 31588EE	05/21/2008	1
<u>C</u> 31621EE <u>C</u> 31643EE <u>C</u> 31647EE <u>C</u> 31648EE	LAST OUTSTANDING TICKET 31648EE	05/21/2008	4
<u>C</u> 31659EE <u>C</u> 31660EE <u>C</u> 31661EE <u>C</u> 31663EE <u>C</u> 31678EE <u>C</u> 31700EE	LAST OUTSTANDING TICKET 31700EE	05/21/2008	6
<u>U</u> 31719EE <u>U</u> 31720EE <u>U</u> 31721EE <u>U</u> 31722EE <u>U</u> 31723EE <u>U</u> 31724EE <u>U</u> 31725EE <u>U</u> 31726EE <u>U</u> 31727EE <u>U</u> 31728EE	<u>U</u> 31729EE <u>U</u> 31730EE <u>U</u> 31731EE <u>U</u> 31732EE <u>U</u> 31733EE <u>U</u> 31734EE <u>U</u> 31735EE <u>U</u> 31736EE <u>U</u> 31737EE <u>U</u> 31738EE	<u>U</u> 31739EE <u>U</u> 31740EE <u>U</u> 31741EE <u>U</u> 31742EE <u>U</u> 31743EE <u>U</u> 31744EE <u>U</u> 31745EE <u>U</u> 31746EE <u>U</u> 31747EE <u>U</u> 31748EE	
LAST OUTSTANDING TICKET 31719EE	LAST OUTSTANDING TICKET 31750EE	05/21/2008	32
<u>C</u> 31807EE <u>C</u> 31815EE <u>C</u> 31818EE	LAST OUTSTANDING TICKET 31818EE	05/21/2008	3
<u>C</u> 31862EE	LAST OUTSTANDING TICKET 31862EE	05/21/2008	1
<u>C</u> 31957EE	LAST OUTSTANDING TICKET 31957EE	05/21/2008	1
<u>C</u> 32006EE <u>C</u> 32017EE	LAST OUTSTANDING TICKET 32017EE	05/21/2008	2

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*A. L. Phelps*  
Driver Services, Deputy Director

EXHIBIT C

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2013  
IRMO POLICE DEPT (131)

CITATION STATUS CODES:

C-COURT S-SIGNED OFF (SENT TO SCDMV)  
U-UNUSED X-VOID (SENT TO SCDMV)  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

U 60152CE	S 60154CE	U 60157CE	U 60158CE	U 60159CE	U 60160CE	U 60161CE	U 60162CE	U 60163CE	U 60164CE
U 60165CE	U 60166CE	U 60167CE	U 60168CE	U 60169CE	U 60170CE	U 60171CE	U 60172CE	U 60173CE	U 60174CE
U 60175CE	U 60176CE	U 60177CE	U 60178CE	U 60179CE	U 60180CE	U 60181CE	U 60182CE	U 60183CE	U 60184CE
U 60185CE	U 60186CE	U 60187CE	U 60188CE	U 60189CE	U 60190CE	U 60191CE	U 60192CE	U 60193CE	U 60194CE
U 60195CE	U 60196CE	U 60197CE	U 60198CE	U 60199CE	U 60200CE				
FIRST OUTSTANDING TICKET 60152CE	LAST OUTSTANDING TICKET 60200CE		01/24/2002		46				
S 57567EA									
FIRST OUTSTANDING TICKET 57567EA	LAST OUTSTANDING TICKET 57567EA		01/31/2007		1				
U 31044EE	S 31047EE								
FIRST OUTSTANDING TICKET 31044EE	LAST OUTSTANDING TICKET 31047EE		05/21/2008		2				
S 31092EE									
FIRST OUTSTANDING TICKET 31092EE	LAST OUTSTANDING TICKET 31092EE		05/21/2008		1				
S 31119EE	S 31120EE								
FIRST OUTSTANDING TICKET 31119EE	LAST OUTSTANDING TICKET 31120EE		05/21/2008		2				
S 31151EE	S 31174EE								
FIRST OUTSTANDING TICKET 31151EE	LAST OUTSTANDING TICKET 31174EE		05/21/2008		2				
U 31201EE	U 31202EE	U 31203EE	U 31204EE	U 31205EE	U 31206EE	U 31207EE	U 31208EE	U 31209EE	U 31210EE
U 31211EE	U 31212EE	U 31213EE	U 31214EE	U 31215EE	U 31216EE	U 31217EE	U 31218EE	U 31219EE	U 31220EE
U 31221EE	U 31222EE	U 31223EE	U 31224EE	U 31225EE	U 31226EE	U 31227EE	U 31228EE	U 31229EE	U 31230EE
U 31231EE	U 31232EE	U 31233EE	U 31234EE	U 31235EE	U 31236EE	U 31237EE	U 31238EE	U 31239EE	U 31240EE
U 31241EE	U 31242EE	U 31243EE	U 31244EE	U 31245EE	U 31246EE	U 31247EE	U 31248EE	U 31249EE	U 31250EE
FIRST OUTSTANDING TICKET 31201EE	LAST OUTSTANDING TICKET 31250EE		05/21/2008		50				
S 31304EE									
FIRST OUTSTANDING TICKET 31304EE	LAST OUTSTANDING TICKET 31304EE		05/21/2008		1				
U 31393EE	U 31394EE	U 31395EE	U 31396EE	U 31397EE	U 31398EE	U 31399EE	U 31400EE		
FIRST OUTSTANDING TICKET 31393EE	LAST OUTSTANDING TICKET 31400EE		05/21/2008		8				
U 31424EE	U 31425EE	U 31426EE	U 31427EE	U 31428EE	U 31429EE	U 31430EE	U 31431EE	U 31432EE	U 31433EE
U 31434EE	U 31435EE	U 31436EE	U 31437EE	U 31438EE	U 31439EE	U 31440EE	U 31441EE	U 31442EE	U 31443EE
U 31444EE	U 31445EE	U 31446EE	U 31447EE	U 31448EE	U 31449EE	U 31450EE			
FIRST OUTSTANDING TICKET 31424EE	LAST OUTSTANDING TICKET 31450EE		05/21/2008		27				
S 31463EE									
FIRST OUTSTANDING TICKET 31463EE	LAST OUTSTANDING TICKET 31463EE		05/21/2008		1				

EXHIBIT D



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*A. L. Phelps*  
Driver Services, Deputy Director

CITATION STATUS CODES:  
C-COURT S-SIGNED OFF (SENT TO SCDMV)  
U-UNUSED X-VOID (SENT TO SCDMV)  
M-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<u>C</u> 31501EE	<u>X</u> 31528EE	<u>S</u> 31535EE																		
IRST OUTSTANDING TICKET 31501EE		LAST OUTSTANDING TICKET 31535EE		05/21/2008																3
<u>S</u> 31588EE																				
IRST OUTSTANDING TICKET 31588EE		LAST OUTSTANDING TICKET 31588EE		05/21/2008																1
<u>C</u> 31621EE	<u>C</u> 31643EE	<u>S</u> 31647EE	<u>S</u> 31648EE																	
IRST OUTSTANDING TICKET 31621EE		LAST OUTSTANDING TICKET 31648EE		05/21/2008																4
<u>S</u> 31663EE	<u>X</u> 31678EE	<u>S</u> 31700EE																		
IRST OUTSTANDING TICKET 31663EE		LAST OUTSTANDING TICKET 31700EE		05/21/2008																3
<u>S</u> 31719EE	<u>S</u> 31720EE	<u>U</u> 31721EE	<u>U</u> 31722EE	<u>U</u> 31723EE	<u>U</u> 31724EE	<u>U</u> 31725EE	<u>U</u> 31726EE	<u>U</u> 31727EE	<u>U</u> 31728EE											
<u>U</u> 31729EE	<u>U</u> 31730EE	<u>U</u> 31731EE	<u>U</u> 31732EE	<u>U</u> 31733EE	<u>U</u> 31734EE	<u>U</u> 31735EE	<u>U</u> 31736EE	<u>U</u> 31737EE	<u>U</u> 31738EE											
<u>U</u> 31739EE	<u>U</u> 31740EE	<u>U</u> 31741EE	<u>U</u> 31742EE	<u>U</u> 31743EE	<u>U</u> 31744EE	<u>U</u> 31745EE	<u>U</u> 31746EE	<u>U</u> 31747EE	<u>U</u> 31748EE											
IRST OUTSTANDING TICKET 31719EE		LAST OUTSTANDING TICKET 31750EE		05/21/2008																32
<u>S</u> 31807EE	<u>S</u> 31815EE	<u>C</u> 31818EE																		
IRST OUTSTANDING TICKET 31807EE		LAST OUTSTANDING TICKET 31818EE		05/21/2008																3
<u>S</u> 31862EE																				
IRST OUTSTANDING TICKET 31862EE		LAST OUTSTANDING TICKET 31862EE		05/21/2008																10
<u>C</u> 31957EE																				
IRST OUTSTANDING TICKET 31957EE		LAST OUTSTANDING TICKET 31957EE		05/21/2008																1
<u>S</u> 32017EE																				
IRST OUTSTANDING TICKET 32017EE		LAST OUTSTANDING TICKET 32017EE		05/21/2008																1
<u>C</u> 32052EE	<u>S</u> 32092EE																			
IRST OUTSTANDING TICKET 32052EE		LAST OUTSTANDING TICKET 32092EE		05/21/2008																2
<u>S</u> 32147EE	<u>S</u> 32148EE																			
IRST OUTSTANDING TICKET 32147EE		LAST OUTSTANDING TICKET 32148EE		05/21/2008																2
<u>S</u> 32197EE																				
IRST OUTSTANDING TICKET 32197EE		LAST OUTSTANDING TICKET 32197EE		05/21/2008																1
<u>X</u> 32217EE																				
IRST OUTSTANDING TICKET 32217EE		LAST OUTSTANDING TICKET 32217EE		05/21/2008																1
<u>S</u> 32288EE	<u>S</u> 32289EE	<u>S</u> 32292EE	<u>S</u> 32294EE	<u>S</u> 32299EE																

EXHIBIT D

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*A. L. Shelton*

Driver Services, Deputy Director



# OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288811 Driver License No:  
 Name: WILSON, ANNA DILLARD  
 Address: 1 PADDOCK CHASE  
 City: IRMO State: SC Zip: 290632937  
 County: RICHLAND  
 DOB: Sex: F Driver Training: N  
 Status - DL: NO SUSPENSION CDL: NO DISQUALIFICATION

### License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Modify	03/03/2014	07/11/2019	08/02/1993	Y	N
Prior							
DL	D	Renewal	11/12/2009	07/11/2019	08/02/1993	Y	N
DL	D	Duplicate	02/19/2010	07/11/2019	08/02/1993	Y	N
RR	D	Returned	09/22/2009	11/11/2009	08/02/1993	Y	N
RR	D	Original	09/22/2009	11/11/2009	08/02/1993	Y	N
TA DL	D	Returned	12/08/2008	06/08/2009	08/02/1993	N	N
TA DL	D	Original	12/08/2008	06/08/2009	08/02/1993	N	N
DL	D	Renewal	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Reissue	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Returned	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Renewal	11/22/2002	07/11/2007	08/02/1993	Y	N
DL	D	Duplicate	10/14/2004	07/11/2007	08/02/1993	Y	N
DL	D	Renewal	07/18/1997	07/11/2002	08/02/1993	Y	N

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*D. L. Shelton*  
 Driver Services, Deputy Director

Current Restrictions: A Corrective Lens

Name Change - Date Changed: 02/19/2010  
 Name: DILLARD, ANNA RUTH

Address Change - Date Changed: 03/03/2014  
 Address: 119 WESTON WATCH RD  
 City: IRMO State: SC Zip: 290632006

Point Summary  
 Total Current Points: 0  
 Driver Credit: -0  
 Adjusted Current Points: 0

SC Driver License Surrendered Posted: 09/22/2009  
 License Type: TA DL Class: D Function: Original Issued: 12/08/2008  
 Date Surrendered: 09/22/2009  
 Reason for Return: RETURNED VOLUNTARILY Returning State: SC

ADSAP - Alcohol and Drug Safety Action Program  
 Enrolled: 06/18/2009 Status: SUCCESSFUL COMPLETION Post Date: 07/02/2009  
 Enrollment No: 000224137

### EXHIBIT E

REDACTED

## OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288811  
Name: WILSON, ANNA DILLARD

Driver License No: [REDACTED]

**SUSP:** 091 - Implied Consent  
**Special Driving Privilege:** ROUTE RESTRICTED  
**Suspension Beg:** 08/29/2009  
**Causal:** 11/23/2008  
**Reinstatement Requirements Met:** 11/12/2009  
**ACD:** A12 Withdrawal Loc Ref:

**Suspension End:** 11/11/2009  
**Post:** 12/01/2008  
**Reinstatement Fee Paid:** Y  
**Withdrawal Reason Ref:**

**VIOL:** 401 - Implied Consent  
**Violation:** 11/23/2008      **Conviction:** 11/23/2008  
**ACD:** A12 Conviction Loc Ref:  
**Conviction State:** SC

**Recd:** 11/26/2008      **Post:** 12/01/2008  
**Conviction Reference:**  
**Court Type:**

***End of Report***

Certified to be a true and correct  
copy of the original document on file  
with the South Carolina Department of  
Motor Vehicles.



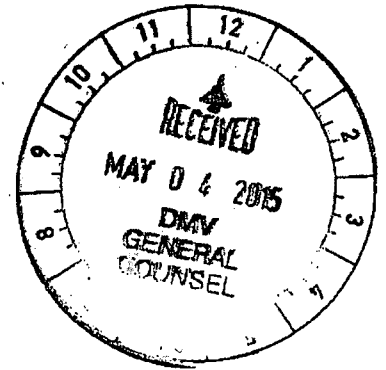
Driver Services, Deputy Director

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Case No. 2014-CP-40-3750



Anna Dillard Wilson Respondent,

v.

South Carolina Department of Motor Vehicles Appellant.

**NOTICE OF APPEAL**

The South Carolina Department of Motor Vehicles appeals the Order of the Honorable L. Casey Manning dated March 23, 2015. Appellant received written notice of entry of this Order on April 9, 2015.

A handwritten signature in black ink, appearing to read "Frank L. Valenta, Jr." with a stylized flourish at the end.

FRANK L. VALENTA, JR., SC Bar # 5682  
General Counsel

PHILIP S. PORTER, SC Bar # 4526  
Deputy General Counsel

South Carolina Department of Motor Vehicles  
Post Office Box 1498

Blythewood, South Carolina 29016-0020

Telephone: 803.896.9900

Fax: 803.896.9901

Email: [val.valenta@scdmv.net](mailto:val.valenta@scdmv.net)

ATTORNEY FOR APPELLANT

April 20, 2015  
Blythewood, South Carolina

Other Counsel of Record:  
John D. Elliott, Esquire  
Post Office Box 607  
Columbia, South Carolina 29202  
Attorney for Respondent

**RECEIVED**

APR 21 2015

SC Court of Appeals

0042

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

---

Case No. 2014-CP-40-3750

---

Anna Dillard Wilson Respondent,

v.

South Carolina Department of Motor Vehicles Appellant.


---

**PROOF OF SERVICE**

---

I certify that I have served the Notice of Appeal on Respondent Anna Dillard Wilson by depositing a copy in the United States Mail, postage prepaid, on April 20, 2015, addressed to her attorney of record as follows:

John D. Elliott, Esquire  
Post Office Box 607  
Columbia, South Carolina 29202

  
\_\_\_\_\_  
Jeanhine (Nina) Moore, Paralegal  
Office of General Counsel

April 20, 2015  
Blythewood, South Carolina

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-40-3750

Anna Dillard Wilson

SC Department of Motor Vehicles

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: John D. Elliott	Attorney for : <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <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.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(b), 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

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

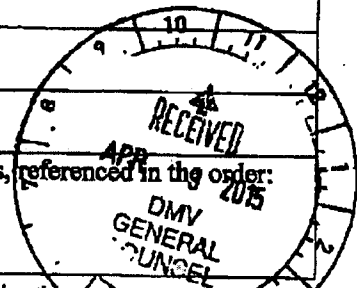
This order  ends  does not end the case.  
 Additional Information for the Clerk :

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.

Circuit Court Judge  
 SCRPC Form 4C (12/2011)

Judge Code

Date

2061 32315  
 SCANNED

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 26 day of Mar 2015 to attorneys of record or to parties (when appearing pro se) as follows:

John D. Elliott  
P.O. Box 607  
Columbia SC 29202  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

Frank L. Valenta, Jr.  
P.O. Box 1498  
Blythewood SC 29016-0020  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter: Crystal M. Holmes**

**CLERK OF COURT**

*Jeanette W. Aschide*

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS

Anna Dillard Wilson, )  
Plaintiff, )  
vs. )  
S.C. Department of Motor Vehicles, )  
Defendants. )

Civil Action No. 2014-CP-40-3750

**ORDER**

2015 MAR 23 AM 11:36  
JENNIFER M. COLETT  
C.C.P. CLERK  
RICHLAND COUNTY  
FILED

DATE OF HEARING: January 20<sup>th</sup>, 2015  
PRESIDING JUDGE: Hon. L. Casey Manning  
PLAINTIFF'S COUNSEL: John D. Elliott, Esquire  
DEFENDANT'S COUNSEL: Frank L. Valenta, Jr., Esquire  
COURT REPORTER: Crystal M. Holmes

This is an order granting injunctive relief to the plaintiff, a South Carolina motorist, enjoining the defendant Department of Motor Vehicles from suspending her license to drive.

The parties appeared with their counsel on the date above. After entertaining the evidence and exhibits introduced by the parties, this court arrived at the following findings and conclusions.

1. Plaintiff is a citizen and resident of South Carolina, with a license to drive issued by the South Carolina Department of Motor Vehicles, No. 8137XXX.
2. On June 11<sup>th</sup>, 2009, the plaintiff pleaded guilty to first offense driving under the influence of alcohol in the Irmo, South Carolina Municipal Court.
3. The plaintiff timely paid her fine of \$1,026.91. On June 18<sup>th</sup>, 2009, the plaintiff enrolled in the Alcohol and Drug Safety Action Program, or ADSAP, and successfully completed the program.
4. The plaintiff's privilege to drive was suspended by the Department of Motor Vehicles for her failure to comply with the implied consent statute, S.C.Code Ann. § 56-5-2950

SCANNED

(Supp.2009), beginning August 29<sup>th</sup>, 2009, and reinstated on November 11<sup>th</sup>, 2009 after the expiration of the requisite 90 day period.

5. The week following her conviction, the plaintiff contacted the Irmo Town Clerk to inquire about whether the record of conviction had been sent to the Department of Motor Vehicles so that her suspension required by conviction would commence. A notation on the record of the conviction maintained by the Irmo Town Clerk asserts the "ticket" was sent to the Department of Motor Vehicles on July 1<sup>st</sup>, 2009.

6. The plaintiff contacted the Department of Motor Vehicles to inquire about the further suspension of her driver's license required by her entry of a plea to driving under the influence. She received no response to her inquiries. The plaintiff also contacted her long-time insurance agent, who went to a branch of the Department of Motor Vehicles to inquire about the suspension and the plaintiff's need for auto insurance in the wake of her conviction for driving under the influence. These inquiries occurred in August and September, 2009. The records of the Department of Motor Vehicles apparently did not reflect a record of conviction and officers of the department informed both the plaintiff and her agent there was no such record.

7. Audits routinely conducted by the Department of Motor Vehicles for traffic citations issued by the Town of Irmo for the years 2010, 2011 and 2013 showed the plaintiff's citation for driving under the influence as "outstanding."

8. Apparently at some juncture after the last audit, the department's records were updated to show the status of the citation. On May 27<sup>th</sup>, 2014, nearly five years to the day after pleading guilty to the offense, the department notified the plaintiff of the suspension of her license to drive.

9. The plaintiff maintains she suffer significant immediate hardship and irreparable harm with the imposition of a suspension after this lapse of time. The plaintiff is in the medical

field and has a license as a registered nurse. She testified that she lost her job in the wake of her conviction and it was months before she could find employment. The plaintiff is now employed with a company which does not know of her conviction and which requires that she operate a motor vehicle in connection with her employment, without limitations. The plaintiff also now carries mortgages on two separate residences, as she tries to sell her former residence. The plaintiff has a reasonable fear that her job will be jeopardized by any suspension of her driver's license at this juncture, or upon disclosure of her conviction at this late date.

10. The department argues that it is blameless in the lapse between the entry of the conviction for driving under the influence and the imposition of the suspension of the plaintiff's license to drive. While this may be true, the test is whether the plaintiff will be deprived of fundamental fairness required by due process of law in the suspension of her driver's license after a significant lapse of time. *See, Hipp v. S.C. Department of Motor Vehicles*, 381 S.C. 323, 673 S.E.2d 416 (2009). There, the court held that both the driver and the department were blameless in the 12 year lapse of time between the conviction there and its recording with the Department of Motor Vehicles, triggering suspension. *Id.*, at fn. 2.

11. The department argues that the plaintiff should have done more to impose the requisite suspension on herself, but it is difficult to see how much more she could have done after she and her insurance agent made several inquiries of the department about the suspension without success. Nor was it incumbent on the plaintiff's lawyer to see to it his client's license was suspended. The attorney owed his client a duty of loyalty, not the department.

12. This court finds and concludes that the lapse of time of five years between the plaintiff's conviction for driving under the influence and her suspension will deprive the plaintiff fundamental fairness of the law required by due process and cause the plaintiff hardship. The plaintiff has no other remedy at law.

NOW THEREFORE, based on the foregoing, it is accordingly  
ORDERED, ADJUDGED and DECREED that the South Carolina Department of Motor  
Vehicles is permanently enjoined from suspending the plaintiff's license to drive for her  
conviction for driving under the influence entered June 11<sup>th</sup>, 2009.

AND IT IS SO ORDERED.

  
HON. L. CASEY MANNING  
Circuit Judge, Court of Common Pleas  
for Richland County

Columbia, South Carolina

March 23 2015

1 STATE OF SOUTH CAROLINA ) IN COMMON PLEAS  
2 COUNTY OF RICHLAND ) COURT  
3 )  
4 ANNA DILLARD WILSON, )  
5 ) TRANSCRIPT  
6 -V- ) OF  
7 ) RECORD  
8 SOUTH CAROLINA DEPARTMENT ) 2014-CP-40-3750  
9 OF MOTOR VEHICLES )  
10 DEFENDANT. )

11

12

JANUARY 20, 2015

13

RICHLAND, SOUTH CAROLINA

14

15 B-E-F-O-R-E:

16

HONORABLE CASEY L. MANNING, JUDGE;

17

18

A-P-P-E-A-R-A-N-C-E-S:

19

FOR THE PLAINTIFF:

20

MR. ELLIOTT, ESQ.

21

22

FOR THE DEFENDANT:

23

MR. VALENTA, ESQ.

24

25

I-N-D-E-X

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PG.

ANNA WILSON:

DIRECT BY MR. ELLIOTT

5

CROSS BY MR. VALENTA

15

DEVONA SUMMER:

DIRECT BY MR. ELLIOTT

19

CROSS BY MR. VALENTA

23

SHIRLEY RIVERS:

DIRECT BY MR. VALENTA

25

CERTIFICATE OF REPORTER:

34

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E-X-H-I-B-I-T-S

Plaintiff's	EVD.
NO.	PG.
1. Receipt.	6
2. \$500 receipt.	10
3. Printout.	10
4. DMV and Irmo Letters.	20
5. License Letter.	21
Defendant's	
1. Audit ticket.	25
2. Audit July 9, 2013.	27
3. 10-year driving record.	28

1 (The following proceedings were held on  
2 January 20, 2015.)

3 THE COURT: Okay. Mr. Elliott, I think you're the  
4 moving party. Go ahead.

5 MR. ELLIOTT: Yes, sir. Judge, would you like me  
6 to read the complaint or would you like me to give you a  
7 brief introduction?

8 THE COURT: I didn't know it was going to be  
9 multiple choice pop quiz. How do you wish to proceed, sir?

10 MR. ELLIOTT: The reason we're here today, Judge,  
11 is Anna Wilson pled guilty on June 11, 2009, to first  
12 offense DUI. Five years later, she got notice of suspension  
13 of her driver's license. We're now here under South  
14 Carolina Department of Motor Vehicles vs. Hipp, saying that  
15 the passage of time, essentially, estops the Department from  
16 suspending her license.

17 THE COURT: All right. Did -- issue a circuit  
18 court opinion in this case, too? It doesn't matter. You  
19 may proceed.

20 Mr. Valenta, are you ready?

21 MR. VALENTA: Yes, sir.

22 THE COURT: Call your witness.

23 MR. ELLIOTT: I call Anna Wilson to the stand,  
24 please.

25 THEREUPON,

1 ANNA WILSON,  
2 after having been duly sworn, testified as follows:

3 THE CLERK: Have a seat in the witness box and  
4 state your name for the record.

5 THE WITNESS: Anna Wilson.

6 DIRECT EXAMINATION

7 BY MR. ELLIOTT::

8 Q. Ms. Wilson, tell us a little bit about you. How old  
9 are you?

10 A. I'm 50 years old.

11 Q. And where do you work?

12 A. I work for Beulah Prosthetic Solutions.

13 Q. And are you in the medical field?

14 A. I am.

15 Q. How long have you been in the medical field?

16 A. 30 years.

17 Q. And do you have any certification or specialized  
18 training?

19 A. Yes. I'm -- education. I am the officer manager and  
20 patient care coordinator for the office I work at now.

21 Q. Are you a registered nurse?

22 A. I am.

23 Q. And when did you get that education?

24 A. Straight out of high school.

25 Q. Okay. Very good. Now, were you eventually arrested by

1 the Town of Irmo Police Department for driving under  
2 the influence?

3 A. Yes, sir.

4 Q. Do you remember about when that was?

5 A. November 2008, maybe. November 23rd, 2008.

6 Q. Did I represent you in the course of that prosecution?

7 A. Yes, you did.

8 Q. Did you eventually plead guilty?

9 A. Yes, I did.

10 Q. Do you remember about when that happened?

11 A. June 11th, 2009.

12 Q. Okay. Were you to pay a fine?

13 A. I did.

14 Q. Did you pay it?

15 A. I did pay that fine.

16 Q. Did you ask for time payments?

17 A. I did. At first, I asked the Judge to give me 60 days,  
18 however, I paid it the very next week. Therefore, did  
19 not have to pay the \$29 fee for financing.

20 Q. Is this a copy of the receipt you obtained from the  
21 Town of Irmo when you paid the fine?

22 A. It is.

23 MR. ELLIOTT: Offer that as Plaintiff's 1.

24 (WHEREUPON, Plaintiff's Exhibit No. 1 was admitted  
25 into evidence.)

1 BY MR. ELLIOTT::

2 Q. When you pled guilty, what was your understanding about  
3 what the status of your driver's license would be?

4 A. My understanding was, as it was explained to me, is  
5 that I could go and take ADSAP -- an ADSAP class, which  
6 would allow me to continue to keep my driver's license.  
7 I was to do this voluntarily because at that time, this  
8 had happened before it was mandatory that you have to  
9 do that.

10 Q. Okay. What was your understanding about what would  
11 happen with your driver's license as a result of your  
12 pleading guilty to driving under the influence?

13 A. I understood that there would be a suspension, but the  
14 suspension would be waived based on the fact that I  
15 took that -- once I completed the ADSAP class.

16 Q. Well, waived or did you understand you would get some  
17 sort of special license?

18 A. Yes.

19 Q. So it was the latter?

20 A. Yes, sir.

21 Q. Now, by the way, did you -- did you have a suspension  
22 of your driver's license at some point?

23 A. I did not.

24 Q. Was there not an implied consent suspension?

25 A. Yes, I'm sorry, there was for that. And then I had a

1 -- it was not a restricted driver's license, though, it  
2 was -- it was during the time we were waiting to go to  
3 trial. I'm not exactly sure what you call it. So yes,  
4 it was a short period of time, a week maybe, that I  
5 didn't have one. So they did take it that particular  
6 night, but then I got it back.

7 Q. Did you understand that your license would be suspended  
8 a second time because of the DUI?

9 A. I did not. I understood that I would have a -- that I  
10 would have an implied consent restriction that I would  
11 have to do. But I wasn't sure whether that would be  
12 incorporated under the ADSAP umbrella where I would be  
13 able to keep it and have a restricted license.

14 Q. What was your understanding about what kind of  
15 insurance you would have to buy?

16 A. Well, once the suspension was there, then I would need  
17 SR22.

18 Q. Okay. Now, did you participate in the alcohol and  
19 safety action program?

20 A. I did.

21 Q. Tell me what this is, please.

22 A. This is the receipt where I paid the \$500 to start the  
23 class. And that was on June 18th, which was the  
24 following week after my conviction.

25 MR. ELLIOTT: Offer that as Plaintiff's 2.

1                   (WHEREUPON, Plaintiff's Exhibit No. 2 was admitted  
2 into evidence.)

3 BY MR. ELLIOTT::

4 Q. After that, what steps did you take to try to comply  
5 with the requirements of your pleading guilty to  
6 driving under suspension -- I mean, to driving under  
7 the influence?

8 A. Well, I enrolled in the ADSAP class. I did attend the  
9 ADSAP class. It was every Thursday evening. The last  
10 ADSAP class was on August the 20th, that was my final  
11 one. And then I went back for an exit interview. I  
12 think that was the first week in September, which that  
13 was completed. I was under the impression or I was  
14 told that ADSAP would forward my stuff to the DMV and I  
15 was expecting a letter to come --

16 Q. Okay.

17 A. -- telling me what to do next. I did get a letter in  
18 the mail saying that my license was -- that I could  
19 come get a route restricted because my license had been  
20 suspended because of the implied consent from August to  
21 November.

22 Q. Okay.

23 A. At that point I -- when I -- well, when I finished the  
24 class, I did go to the DMV and talk with them about  
25 what I needed to do. And they told me that all they

1           could offer me was a route restricted license because  
2           all they had was a conviction for implied consent.

3    Q.   All right.  At some point, did you go down to the clerk  
4           at the Town of Irmo to find out what you were supposed  
5           to do?

6    A.   I did.  I went down there to find out if it had been  
7           filed with the DMV.

8    Q.   All right.  I don't want you to tell me anything  
9           that -- I mean, was it a lady that you met with at the  
10           Town of Irmo?

11   A.   It was.

12   Q.   All right.  I don't want you tell me what she told you,  
13           but did she give you some sort of a printout?

14   A.   Yes, she did.

15   Q.   Let me ask you if you can identify that?

16   A.   Yes, sir, that's a printout of a copy of her computer  
17           screen when she pulled it up on her screen as I was  
18           sitting in her office with her.

19                 MR. VALENTA:  No objection, Your Honor.

20                 (WHEREUPON, Plaintiff's Exhibit No. 3 was admitted  
21           into evidence.)

22   BY MR. ELLIOTT::

23   Q.   By the way, on Plaintiff's 3, there is some writing, a  
24           note?

25   A.   Uh-huh.

- 1 Q. You see that?
- 2 A. Yes, sir.
- 3 Q. That's not your handwriting?
- 4 A. It is not.
- 5 Q. Is that the handwriting of the lady you spoke to?
- 6 A. It is.
- 7 Q. After that, Ms. Wilson, what did you do to try to  
8 comply with whatever review you believed was supposed  
9 to happen with regards to your driving under the  
10 influence?
- 11 A. At that point I -- after I spoke with her and she said  
12 she had sent everything to the DMV, I had already  
13 spoken with the DMV, who told me they did not have my  
14 file. I then called my insurance agent and explained  
15 the situation to her and asked her what exactly did I  
16 need to do because I felt like I needed to make sure I  
17 was following the rules and doing what was expected of  
18 me.
- 19 Q. All right. Don't tell what she said, but what is her  
20 name?
- 21 A. Devona Summer.
- 22 Q. Last name?
- 23 A. Summer.
- 24 Q. And is that the nice lady who's sitting here in the  
25 courtroom (indicating)?

- 1 A. It is.
- 2 Q. All right. Very good. You spoke to her about what you  
3 were supposed to do?
- 4 A. I did.
- 5 Q. Okay. Then what did you do?
- 6 A. What did I do or what did she do?
- 7 Q. What did you do?
- 8 A. I -- she told me she would call me back in a couple of  
9 hours.
- 10 Q. All right. After -- did you have a conversation with  
11 her?
- 12 A. I did.
- 13 Q. All right. After that, what did you do?
- 14 A. I waited for her to call me back and tell me what she  
15 had found out.
- 16 Q. All right. And after that conversation, what did you  
17 do, anything?
- 18 A. No. Because I was told that there was nothing that I  
19 could do, that they could not issue SR22 for implied  
20 consent. It was not necessary. So then I went down  
21 to -- I had been speaking with the folks at Ballentine  
22 DMV.
- 23 Q. All right.
- 24 A. I -- then after I spoke to Devona, I went down to the  
25 Bluff Road, Shop Road DMV --

- 1 Q. Okay.
- 2 A. -- and got a route restricted license.
- 3 Q. Okay.
- 4 A. Uh-huh.
- 5 Q. At that point, were you waiting -- were you waiting to  
6 hear from the Department of Motor Vehicles?
- 7 A. Sure.
- 8 Q. Okay. And time passed on?
- 9 A. It did.
- 10 Q. And when did you finally get your notice of suspension  
11 from the good old Department of Motor Vehicles?
- 12 A. Five years later.
- 13 Q. Okay. You remember the date?
- 14 A. The 27th of May of this year, of 2014.
- 15 Q. All right. Very good. Now, I want you to tell Judge  
16 Manning, did you have some difficulties -- in the wake  
17 of this DUI, did you have some difficulties finding  
18 employment?
- 19 A. Yes, sir. To begin with, I lost my job because of  
20 this. The doctor's office that I was working for sold  
21 out to the hospital and at that point, they were doing  
22 background checks and anything that was pending or --  
23 anything against you or anything pending, they would  
24 not let you come across as a hospital employee. At  
25 that point in time, that was -- that was -- that

1           happened in November, so this was February of 2009 when  
2           this was still pending because we had not been to court  
3           yet. And so I lost my job because of it.

4   Q.   All right.

5   A.   It then took me two years -- two full years to find a  
6           decent job because of this being on there.

7   Q.   All right. Now, tell us please what kind -- would any  
8           bad things actually happen to you if you went ahead and  
9           just got your driver's license suspended and got you a  
10          route restricted license here now six years later?

11  A.   It very well could be that I could lose the job that I  
12          have now.

13  Q.   Tell us a little bit more about that, please.

14  A.   Well, first and foremost, there are times when I drive  
15          a company vehicle and they pay for my insurance. So  
16          they certainly would not be willing to pay SR22 for me  
17          to drive the vehicle. We have a satellite office in  
18          Augusta and at times, I have to go there. During those  
19          times is when they pay for the insurance. So,  
20          obviously, I am on their insurance. And so if my  
21          driving record changed, then it may knock me out of my  
22          job.

23  Q.   Okay. Can you think of any other consequence that  
24          might happen if you had to undergo a suspension at this  
25          point?

1 A. Well, obviously, if I lost my job, it would be a  
2 difficult situation. I just brought a new house. I  
3 have two house payments.

4 Q. How do you have two house payments?

5 A. Well, because the first house hasn't sold yet.

6 Q. Okay. Are you married?

7 A. I am.

8 Q. Does your husband earn an income?

9 A. Yes, sir.

10 Q. You still need both incomes in your household to make  
11 those two mortgage payments?

12 A. Yes, sir. We have two mortgages, we certainly do.

13 Q. Okay.

14 MR. ELLIOTT: Thank you. No further questions.  
15 Please answer any questions Mr. Valenta or the Judge might  
16 have for you.

17 CROSS-EXAMINATION

18 BY MR. VALENTA::

19 Q. Hi, Ms. Wilson. I'm Frank Valenta with DMV. I just  
20 want to ask you, when you went to Shop Road and you had  
21 been to Ballentine previously and they said well, we  
22 don't have any DUI on your record, right?

23 A. Yes, sir.

24 Q. And you went to Irmo and they said we sent it, right?

25 A. The Town of Irmo, yes.

- 1 Q. Right.
- 2 A. Uh-huh.
- 3 Q. So that's kind of like if you send a check to your  
4 cable company and your cable company says they didn't  
5 get your check and you say well, that's your problem, I  
6 mailed it. You didn't call DMV headquarters, did you?
- 7 A. Sir, I talked with three different divisions of DMV.  
8 Nobody ever told me I had to call headquarters,  
9 wherever headquarters is.
- 10 Q. But I mean, did you go to Irmo and get a copy of the  
11 ticket and take it to DMV?
- 12 A. Yes, sir, DMV got a copy of the ticket as well as a  
13 copy of that certified printout that the --
- 14 Q. Wait a minute. Wait a minute. When did DMV get a copy  
15 of the ticket?
- 16 A. When the clerk of court of Irmo turned it into them --
- 17 Q. No, no, Irmo said they sent it?
- 18 A. Yes, sir.
- 19 Q. I'm asking did -- when DMV said they never received it,  
20 did you get a copy and take it to DMV?
- 21 A. No, sir.
- 22 Q. Did you ask your attorney to get a copy and send it to  
23 DMV?
- 24 A. No, sir.
- 25 Q. So you talked to offices who said we don't know

1 anything about your conviction and you talked to your  
2 agent who said DMV doesn't know anything about your  
3 conviction, but you didn't take the step of making sure  
4 the DMV knew about your conviction, right?

5 A. I'm not certain why that was my responsibility.

6 Q. Well, you're blaming the state for it not being on your  
7 record, but I'm asking what you did to make sure it was  
8 on your record?

9 A. Is it expected of every individual that they carry the  
10 load and see that it's on the DMV records?

11 Q. Well, it's on the DMV record now.

12 A. But it took five years to get there?

13 Q. Yes, it did. And you're saying that's the State's  
14 fault for not receiving it?

15 A. I'm not certain whose fault it was, sir --

16 Q. But you didn't --

17 A. -- I'm just saying --

18 THE COURT: Stop. Let her finish her answer.

19 MR. VALENTA: I didn't know she wasn't finished.

20 THE COURT: You're going to get a chance to ask  
21 all the questions you want. It's all right.

22 THE WITNESS: I'm just saying it's awfully odd  
23 that five years later, it just pops up because I didn't call  
24 them, you know, back in May either to notify them, so  
25 somebody did.

1 BY MR. VALENTA::

2 Q. All right. So now you say -- you talk about SR22  
3 insurance, but do you understand -- has your attorney  
4 told you there is no such thing?

5 A. That there is no such thing?

6 Q. Correct.

7 A. No, sir, he certainly has not told me that.

8 Q. SR22 -- would you believe me if I said SR22 is just a  
9 form number that your agent files to say that you have  
10 insurance?

11 A. I can't dispute -- or I don't know. I have no idea.

12 Q. All right. So since that's just a form saying that you  
13 have insurance, that wouldn't affect your employer's  
14 insurance, right?

15 A. I don't know. I have no idea. I've never had SR22  
16 before.

17 Q. Well, there is no such thing as SR22. What I'm saying  
18 is it's just hypothetical that this is going to affect  
19 your job if you get a provisional license?

20 A. Of course, it is, but it's an awfully big risk to take.

21 MR. VALENTA: I have no further questions.

22 THE COURT: Anything on redirect?

23 MR. ELLIOTT: None, thanks.

24 THE COURT: You may step down, Ms. Wilson.

25 Call your next witness.

1 MR. ELLIOTT: Call Devona Summer.

2 THEREUPON,

3 DEVONA SUMMER,

4 after having been duly sworn, testified as follows:

5 THE CLERK: Have a seat in the witness box. State  
6 your name for the record and spell your first name, please.

7 THE WITNESS: It's Devona Summer.

8 DIRECT EXAMINATION

9 BY MR. ELLIOTT::

10 Q. Ms. Summer, what do you do for a living?

11 A. I'm an insurance agent.

12 Q. Are you a broker or is there a particular line you  
13 handle?

14 A. We're an independent agent.

15 Q. I see. Okay. And how long have you been providing  
16 insurance policies for Ms. Wilson, formally Ms. Wood?

17 A. Possibly 10 or 15 years.

18 Q. Okay. Are y'all friends?

19 A. She went to Newberry High School and I went to  
20 Mid-Carolina. We knew of each other, but we're not  
21 like friends.

22 Q. Did she call you in the wake of the DUI we're talking  
23 about here, did she call you?

24 A. Yes, she did.

25 Q. And what was the purpose of her call?

- 1 A. She needed to know what she needed to do to be able to  
2 get a restricted license to drive once she was charged  
3 with a DUI.
- 4 Q. Did she also ask about what kind of insurance she was  
5 supposed to have?
- 6 A. She asked what would happen and I told her we would  
7 have to file an SR22 to prove that she had insurance,  
8 if at any time it canceled, it would notify the highway  
9 department that her insurance had canceled.
- 10 Q. Okay. Let me ask you, did she understand that  
11 something might happen to her driver's license in the  
12 wake of the DUI?
- 13 A. Yes, she was aware that her license was going to be  
14 suspended and she could get the route restricted, but  
15 she did not know the whole process.
- 16 Q. Okay.
- 17 A. So she faxed me over her letter from the DMV and along  
18 with that was the clerk of court's notice showing that  
19 she had been found guilty of DUI. But at that same  
20 time, she told me that she had not gotten charged with  
21 DUI on her record yet.
- 22 Q. Okay. Now, first, let me show you this and see if you  
23 recognize it?
- 24 A. Yes, sir.
- 25 Q. And what is it, please?

1 A. This is the letter from the DMV that she faxed over to  
2 me along with the Irmo letter showing that she had been  
3 found guilty of the DUI.

4 Q. Okay. All right.

5 MR. VALENTA: No objection, Your Honor.

6 (WHEREUPON, Plaintiff's Exhibit No. 4 was admitted  
7 into evidence.)

8 BY MR. ELLIOTT::

9 Q. After you got that information from her, what did you  
10 do in response?

11 A. I wasn't sure what to do because we did not need to  
12 file SR22 if the DUI was not showing up on her driving  
13 record.

14 Q. Okay.

15 A. So I actually went to the Newberry DMV and talked to  
16 the people that I usually talk to there. They pulled  
17 it up and said that --

18 Q. Don't tell me what they said, but what was your purpose  
19 in going there?

20 A. I was going there to make sure if we needed to actually  
21 file the SR22.

22 Q. Okay. Did you tell them explicitly that this young  
23 lady had a conviction for driving under the influence?

24 A. Yes, because I actually took those papers with me out  
25 there.

1 Q. And you showed those papers to them?

2 A. Yes, sir.

3 Q. And in response, did they furnish you any information?

4 A. They handed me a letter showing that she could get her  
5 license with -- that's it.

6 Q. Okay.

7 A. It was just saying that there was a \$100 suspension  
8 reinstatement and that she at this time was eligible to  
9 get her license and that they did not need me to file  
10 an SR22.

11 MR. VALENTA: No objection, Your Honor.

12 (WHEREUPON, Plaintiff's Exhibit No. 5 was admitted  
13 into evidence.)

14 BY MR. ELLIOTT::

15 Q. Did you do anything after that encounter with the  
16 Department of Motor Vehicles?

17 A. I did not.

18 Q. Did you call Ms. Wilson and --

19 A. I called her and I also documented on my computer  
20 screen that I had been out there and talked to the  
21 highway department and that there was no conviction on  
22 her record for the DUI.

23 Q. Okay.

24 A. And we have to have like a case number to file the  
25 SR22.

1 Q. Right.

2 A. And, you know, she said there was nothing showing on  
3 her record, so at that point, we did not take any  
4 action.

5 Q. I have a question, if you know, being in the insurance  
6 business as long as you have, is there some sort of --  
7 is there some sort of record that comes up at the DMV  
8 or any other database showing that someone like  
9 Ms. Wilson might have -- might have filed an SR22 form  
10 alerting people she had that type of insurance or not?

11 A. Only if you ran her motor vehicle report would it show  
12 up. But if you ran her motor vehicle report, it would  
13 show that she had had SR22 filed at some point.

14 Q. And under certain circumstances, you understand that  
15 those reports are available for certain purposes,  
16 including employment?

17 A. Yes.

18 MR. ELLIOTT: Thank you. No further questions.  
19 Please answer any questions that Mr. Valenta might have.

20 CROSS-EXAMINATION

21 BY MR. VALENTA::

22 Q. Ms. Summer, you didn't have a copy of the ticket,  
23 correct?

24 A. I had just the computer screen that she had printed  
25 out. No copy of the ticket, no, sir.

1 Q. No copy of the ticket. So you never presented a copy  
2 of the ticket to the DMV?

3 A. No.

4 Q. And I just want to make sure, this reinstatement sheet  
5 was given to you --

6 A. At the Newberry DMV. That's the date I went.

7 Q. I'm not really challenging you on anything. This was  
8 given to you -- did you have any kind of power of  
9 attorney with you?

10 A. Nope.

11 Q. Okay. Thank you.

12 MR. VALENTA: I have no further questions.

13 THE COURT: Anything further, Mr. Elliott?

14 MR. ELLIOTT: None. Thank you.

15 THE COURT: You may step down, Ms. Summer.

16 That concludes your presentation, Mr. Elliott?

17 MR. ELLIOTT: It does. That's our case in chief.

18 THE COURT: Ready, Mr. Valenta?

19 MR. VALENTA: Yes, the DMV calls Shirley Rivers.

20 THE COURT: Come around, Ms. Rivers.

21 THEREUPON,

22 SHIRLEY RIVERS,

23 after having been duly sworn, testified as follows:

24 THE CLERK: Have a seat in the witness box and  
25 state your name for the record, please.

1 THE WITNESS: I'm Shirley Rivers.

2 DIRECT EXAMINATION

3 BY MR. VALENTA::

4 Q. Ms. Rivers, what is your position with the DMV?

5 A. I'm deputy director of procedures and compliance.

6 Q. Is there an -- in-house, does anybody call you deputy  
7 director of anything else?

8 A. Well, they basically call me -- we're over the issuing  
9 of tickets, satisfying of tickets and driving records,  
10 suspensions, suspending driver's licenses, setting the  
11 standards for the issuance of driver's licenses and  
12 other regulatory things.

13 Q. All right. When there's a problem or a delay in  
14 tickets coming in, is that within your area?

15 A. Yes.

16 Q. All right. Have you looked over the records in this  
17 case?

18 A. I have reviewed the record.

19 Q. All right. I'm going to show you what's attached to  
20 our answers, Defendant's Exhibit A. Are you familiar  
21 with that?

22 A. Yes, this is driving under the influence first offense  
23 that we received in our ticket audit May 20, 2014, for  
24 driving under the influence.

25 Q. And what does it show as the date of conviction?

1 THE COURT: Yes, sir, Mr. Elliott?

2 MR. ELLIOTT: Just wanted to say I'll stipulate  
3 the exhibits attached to the answer.

4 THE COURT: That's very kind of you, sir.

5 (WHEREUPON, Defendant's Exhibit No. 1 was admitted  
6 into evidence.)

7 BY MR. VALENTA::

8 Q. So what does it show as the date of conviction?

9 A. June 11th, 2009.

10 Q. Now, you mentioned -- you mentioned the audit --

11 A. Yes.

12 Q. You mentioned the audit. What are you talking about?

13 A. Well, every July, we perform an audit of the 400 and  
14 some odd jurisdictions that issues traffic tickets.

15 And that's all outstanding tickets for that  
16 jurisdiction. We send them a report from our system  
17 showing all the tickets that are outstanding for  
18 that -- at that date, that snapshot in time.

19 Q. Early July, all the missing tickets or just unaccounted  
20 for tickets?

21 A. Unaccounted for tickets that we have not received back  
22 and entered into our system.

23 Q. Okay. All right. I show you this Exhibit B. And if  
24 you could tell the Court what that is.

25 A. This is an audit of Irmo Police Department dated

1 July 13th, 2010.

2 Q. And now, that was about a year after the conviction.

3 The ticket number is 31588EE. Is that on that audit  
4 request?

5 A. Yes, the ticket is listed on the audit request.

6 Q. And what did Irmo say about that ticket?

7 A. Irmo PD said that ticket was still in court.

8 Q. All right. I show you this. What is that document?

9 A. This is the audit that was ran July 1, 2011.

10 Q. A year later.

11 A. A year later.

12 Q. Is the ticket on that report?

13 A. Yes, ticket number 31501EE -- excuse me, 31588EE. It's  
14 showing that that ticket was in court.

15 Q. All right. And this document, what is that?

16 A. This is audit that was ran July 9th, 2013.

17 THE COURT: What happened in 2012?

18 THE WITNESS: 2012, we did not receive an audit  
19 back from the Town of Irmo.

20 THE COURT: All right.

21 BY MR. VALENTA::

22 Q. What does that show?

23 A. This showed that that ticket was sent into the DMV.

24 Q. What reaction do you have when they say sent?

25 A. When we receive an audit back and it has -- and on the

1 top of the audit --

2 THE COURT: Any objection, Mr. Elliott?

3 MR. ELLIOTT: None. None.

4 (WHEREUPON, Defendant's Exhibit No. 2 was admitted  
5 into evidence.)

6 THE WITNESS: It was showing sent, S for sent. We  
7 sent a listing to that jurisdiction telling them they were  
8 telling us -- and I'm paraphrasing, that these tickets were  
9 sent into DMV, however, we do not have a copy. Would you  
10 please send us a certified copy of that ticket.

11 BY MR. VALENTA::

12 Q. So at that point, did the ticket come in from Irmo?

13 A. We didn't receive it in until May of 2014.

14 Q. All right. And that's when Ms. Wilson was notified it  
15 was on her record and she was going to have a  
16 suspension, correct?

17 A. Yes, sir.

18 Q. I show you this document. What is that?

19 A. This is an official 10-year driving record for Ms.  
20 Wilson.

21 Q. And would an implied consent suspension in August of  
22 2009 and DUI conviction in June of 2009, is there a  
23 time when Ms. Wilson does not have a driver's license?

24 A. I believe about two months, two or three months that  
25 Ms. Wilson was without a driver's license.

1 Q. And how did that occur?

2 A. Well, she got a temporary alcohol license first on  
3 December 8th, 2008. After we received the implied  
4 consent was November 23rd, 2008. She requested an  
5 administrative hearing and she was issued what we call  
6 a TAL or temporary alcohol license. And she kept that  
7 license until June 8th, 2009. And then on September  
8 the 22nd, 2009, because of the outcome of the hearing,  
9 once we received that in, she got what we call a route  
10 restricted driver's license that allows her to drive on  
11 particular routes to and from work or any alcohol or  
12 drug program.

13 Q. After the route restricted license, do you see a  
14 six-month period when she was not licensed to drive?

15 A. No, sir. Her route restricted license expired  
16 November the 11th, 2009. She came back in and got her  
17 regular license on November 12th, 2009.

18 Q. All right. Do you ever have occasion, Ms. Rivers, when  
19 a customer or an attorney calls and says hey, I'm  
20 supposed to be --

21 THE COURT: I'm sure without objection, is that  
22 correct, Mr. Elliott?

23 MR. ELLIOTT: That's correct.

24 THE COURT: I need to mark it.

25 (WHEREUPON, Defendant's Exhibit No. 3 was admitted

1 into evidence.)

2 BY MR. VALENTA::

3 Q. Do you ever have occasion when a customer or an  
4 attorney for a customer calls and says hey, I'm  
5 supposed to be suspended for a DUI and it's not on my  
6 record?

7 A. Yes.

8 Q. What do you do?

9 A. Well, first, we double check and make sure we don't  
10 have the ticket. We'll ask the attorney, do you know  
11 the ticket number? Do your client have a copy of their  
12 copy? Then we'll check to make sure that they're not  
13 in transit to be processed. Then we'll tell them they  
14 need to contact the court and have the court send us  
15 that ticket because we don't have a copy.

16 Q. You don't take on the burden of contacting the court  
17 for them?

18 A. Very rare do we call the courts and ask them to send us  
19 in the ticket. Most of the time, because of the volume  
20 of tickets we receive in, we put that back on the  
21 customer and have them contact the court and have them  
22 send it in to us.

23 MR. VALENTA: Nothing further.

24 THE COURT: Mr. Elliott?

25 MR. ELLIOTT: No questions. Thank you.

1 THE COURT: All right. You may step down, Ms.  
2 Rivers.

3 Anything further, gentlemen?

4 MR. VALENTA: No, sir, Judge. I just want to hand  
5 up --

6 THE COURT: You said no and then you're going to  
7 hand me something up? It's fine. Hand it up. Hand it up.

8 MR. VALENTA: That's the case.

9 THE COURT: The Hipp case, Georgia. I think it  
10 was nine years, wasn't it --

11 MR. VALENTA: 13.

12 Very briefly?

13 THE COURT: Yes, sir.

14 MR. VALENTA: There were two points. First of  
15 all, as I understood it, they didn't like 13 years. They  
16 said they didn't know what the time was, probably 10, but  
17 they weren't drawing a bright line, but they just knew 13  
18 was too much.

19 THE COURT: Yes, sir.

20 MR. VALENTA: But a major factor in the Hipp case  
21 was that was his second offense. And he was going to have a  
22 hard suspension for a year and he was not going to be  
23 eligible for a provisional license --

24 THE COURT: Yeah, I think that was Chief Justice  
25 Toal that authored that opinion, did she not?

1 MR. VALENTA: I think.

2 THE COURT: Beatty and Pleicones and maybe even  
3 Waller.

4 MR. VALENTA: Well, I could have guessed before  
5 whose opinion it was. But yes, Your Honor. Thank you.

6 THE COURT: Mr. Elliott, any argument?

7 MR. ELLIOTT: Just briefly. Judge, you know, this  
8 is not a tort claim and it doesn't really matter whose fault  
9 it is. The Hipp case talks about --

10 THE COURT: Well, they said it's no bright line  
11 test. 13 years from Georgia, second, and all that. I  
12 looked at the Hipp case. This is about six years out.

13 MR. ELLIOTT: You know the record.

14 THE COURT: All right.

15 MR. ELLIOTT: Thank you.

16 THE COURT: We can blame it on the police  
17 department or blame nobody.

18 All right. Y'all want to submit proposed orders?  
19 Y'all want to do that?

20 MR. ELLIOTT: Yes, sir.

21 MR. VALENTA: Yes.

22 THE COURT: How much time y'all want?

23 MR. ELLIOTT: 30 days?

24 THE COURT: I don't care, I'm asking y'all. Make  
25 it easy on yourself. 30 days, is that fine?

1 MR. ELLIOTT: That's fine.

2 THE COURT: All right. That's good. 30 days.

3 Good luck to everybody. Nice meeting y'all. Sorry it was  
4 under these circumstances.

5 MR. VALENTA: Thanks again.

6 THE COURT: All right.

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0082

1 COUNTY OF RICHLAND )

2 CERTIFICATE OF REPORTER

3 I, Crystal Holmes, hereby certify that I reported  
4 the preceding case entitled Anna Dillard Wilson Vs. South  
5 Carolina Department of Motor Vehicles, No. 2014-CP-40-3750,  
6 at the Richland County Courthouse, January 20, 2014.

7 I FURTHER CERTIFY that the foregoing pages 1  
8 through 34 constitute a true, accurate and full transcript  
9 of said hearing.

10 I FURTHER CERTIFY that I am not employed by any of  
11 the parties hereto and I have no financial interest in the  
12 outcome of said case.

13 IN WITNESS WHEREOF, I have heretofore set my hand  
14 and seal at Richland County on this 15th day of June, 2015.

15

16

\_\_\_\_\_  
Crystal Holmes, Official Court Reporter

17

18

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22

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24

25

RECEIPT FOR EXHIBITS

Case No. 2014CP-40-37.0  
 Plaintiff: Anna Wilford Wilson  
 Defendant: SC Dept of Motor  
 Date Trial Started: 1/20/15

Judge Manning  
 Plt's Atty. Mr. Elliott John D.  
 Def's. Atty. Frank W. Valenta, Jr.  
 Date Trial Ended: \_\_\_\_\_

Received of Crystal Holmes, Court Reporter for the above case, these exhibits:  
PL

	Clerk of Court Use
1 <u>Town of Jomo receipt</u>	<input checked="" type="checkbox"/>
2 <u>Lexington/Richland Alcohol &amp; Drug</u>	<input checked="" type="checkbox"/>
3 <u>Computer printout CT Valatan</u>	<input checked="" type="checkbox"/>
4 <u>Arueded Notice of Driving Status</u>	<input checked="" type="checkbox"/>
5 <u>S.C. Dept. Reinstatement Requirements.</u>	<input checked="" type="checkbox"/>
6	
7 <u>DF</u>	
8 <u>A. State of SC Traffic Ticket.</u>	<input checked="" type="checkbox"/>
9 <u>B. SC Dept. Inventory 7/13/10</u>	<input checked="" type="checkbox"/>
10 <u>C. " " 7/1/11</u>	<input checked="" type="checkbox"/>
11 <u>D. " " 7/9/13</u>	<input checked="" type="checkbox"/>
12 <u>E. Official 10 year Driver Record</u>	<input checked="" type="checkbox"/>
13	
14	
15 <u>Court's</u>	
16 <u>I. Charles B. HDPP V. SC Dept. Case</u>	<input checked="" type="checkbox"/>
17	
18	
19	
20	

This 20 day of Jan 20 15.

Page 1 of 1

By: [Signature]  
 Richland County Clerk of Court

Civil Motion

Clerk should retain white copy in Civil cases, yellow copy in Criminal cases.

TOWN OF IRMO

REC#: 00029099 6/25/2009 12:43 PM  
OPER: INEZ TERM: 001  
REF#: 997

*Handwritten initials*

TRAN: 800.0000 Court Payments  
DILLARD, ANNA RUTH  
31588EE -01 997.00CR  
BALANCE: 29.91

TENDERED: 1,000.00 CASH  
APPLIED: 997.00-

CHANGE: 3.00



LEXINGTON/RICHLAND  
ALCOHOL AND DRUG ABUSE COUNCIL

Phone (803) 252-9727  
P.O. Box 50597 Columbia, S.C. 29260

Acct. No. <b>55349</b>		Date <b>6/18/03</b>	
Received Of <b>DILLARD, ANNA</b>			
Address:			
City:			
Dollars: <b>500</b>		Cents: <b>00</b>	
Old Balance	On A/C	Paid In Full	100 Dollars New Balance
Draft	M.O.	Check: <b>#5549</b>	Cash
For <b>ADSA</b>			
Thank You Please keep this copy for reference.			

No. **62500** Rec'd by **Anna Ruff**

LEXINGTON PRINTING SERVICES WEST COLUMBIA SC 29171 33157477



Citation # 31588EE Viol # 1 Comments Docket # 31588EE01  
 Violator Name DILLARD, ANNA RUTH \* Adult \* Age at time of Violation 44  
 W. F. SC In Queue None

Violation | Fees | History | Receipts | Clerk Comments | Docket Comments | Prosecutor Comments | Judgment | Variables

Status  Docket Closed - Found Guilty Date 7/01/2009 Wed Time 12:12 PM  
 Alt Status #1 Date Time 12:00 AM  
 Alt Status #2 Date Time 12:00 AM  
 Plea Date  
 Judge JME JOSEPH M EPTING  
 Court Location UPG INCODE Upgrade Location  
 Type of Trial by Judge  
 Conviction Date 6/11/2009  
 Attorney ELLI ELLIOTT, JOHN D  
 County 32 LEXINGTON  
 Review Attorney <none>

Bonds  
 Bond Set Override   
 Set 0.00 Posted 0.00  
 Fine/Costs  
 Fine 400.00  
 Fees 626.91  
 Toll 1,026.91  
 Credits  
 Cash 997.00  
 NCash 29.91  
 Pend 0.00  
 Bal 0.00

Collect Fees Only

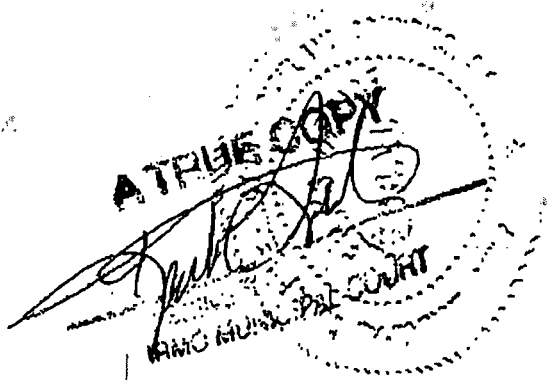
Send to Queue

Offense DUI 1ST OFFENSE < .10

Exit

View kloyalace

*The ticket was sent to the DMV on July 1, 2009*



REDACTED

8-10-07  
AS  
ATT: DAYONNA  
3 Pages

ANNA  
2403462  
Cell  
right  
2nd  
Floor

South Carolina  
Department of Motor Vehicles



08/14/2009

DILLARD, ANNA RUTH  
119 WESTON WATCH RD  
IRMO, SC 29063-2006

CUSTOMER NO: 26288811  
FILE NO: 10113201  
DL NO:

AMENDED NOTICE OF DRIVING STATUS

This is official notification that the information on your driving record has changed effective 08/14/2009. This official notice cancels previous notices of suspension, revocation, cancellation or disqualification concerning the listed description(s).

DRIVING STATUS: No Suspension    No Disqualification

Defensive Driving Credit: No

Violation modified or deleted:

Date	Action	Ticket#	Viol Description
------	--------	---------	------------------

Suspension, revocation, cancellation and/or disqualification modified or deleted:

Date	Begin Date	End Date	Action Modified	Susp Description
11/23/2008	08/29/2009	11/11/2009	Modified	Implied Consent

IMPORTANT INFORMATION  
DEFINITIONS OF DEPARTMENTAL STATUS AND ACTIONS

DRIVING STATUS:

NO SUSPENSION-Your driving privileges are clear.

SUSPENDED/DISQUALIFIED-All driving privileges to operate commercial and non-commercial vehicles are suspended and disqualified.

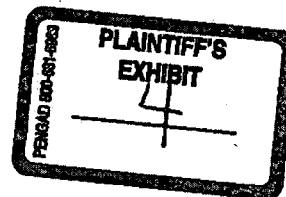
DISQUALIFIED-All driving privileges to operate commercial vehicles are disqualified.

SUSPENDED-Provisional, Route Restricted or Temporary Alcohol-You have special driving privileges.

MODIFIED-The violation has been changed and is still on your official driving record.

DELETED-The violation has been removed from your driving record.

If your driving status is suspended and/or disqualified, you are required to meet all reinstatement requirements for any suspension, revocation, cancellation or disqualification. For reinstatement requirements or eligibility for special driving privileges, please refer to previous notices or contact a DMV Customer Service Representative at (803)896-5000. Information may also be obtained by visiting our website at [www.scdmvonline.com](http://www.scdmvonline.com).



If your driving status shows "No Suspension", you may make application for a driver's license by presenting this notice to your local DMV Office. You may be required to take a vision, knowledge and/or skills test in order to be issued a license.

Driver Records Manager

Citation #	31508EE	Viol #	1	Comments		Docket #	31508EE01
Violator Name	DILLIARD, ANNA RUTH			" Adult "		Age at time of Violation	44
	W. F.		SC			In Queue	None

Violation | Fees | History | Receipts | Clerk Comments | Docket Comments | Prosecutor Comments | Judgment | Variables

Status	<input checked="" type="checkbox"/> CL	<input type="checkbox"/> DOCKET CLOSED - FOUND GUILTY	Date	7/01/2009	<input type="checkbox"/> Wed	Time	12:12	PM
Alt. Status #1	<input type="checkbox"/>		Date		<input type="checkbox"/>	Time	12:00	AM
Alt. Status #2	<input type="checkbox"/>		Date		<input type="checkbox"/>	Time	12:00	AM
Plea	<input type="checkbox"/>		Date		<input type="checkbox"/>			
Judge	JME	JOSEPH M EPTING						
Court Location	UPG	INCODE Upgrade Location						
Type of Trial	by Judge							
Conviction Date	6/11/2009							
Attorney	ELLI	ELLIOTT, JOHN D						
County	32	LEXINGTON						
Review Attorney		<none>						

Bonds	
Bond Set Override <input type="checkbox"/>	
Set	0.00
Posted	0.00
Fine/Costs	
Fine	400.00
Fees	626.91
Toll	1,026.91
Credits	
Cash	997.00
NCash	29.91
Pond	0.00
Bal	0.00

Collect Fees Only

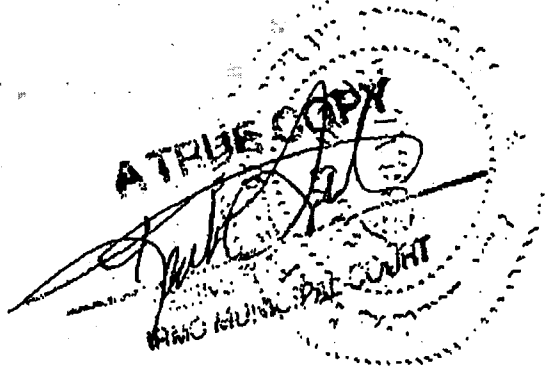
Send to Queue

Offense DUI 1ST OFFENSE <.10

Exit

View klavelace

The ticket was sent to the DMV on July 1, 2009



REDACTED



**S.C. Department of Motor Vehicles  
Reinstatement Requirements**

**Customer No.:** 26288811  
**Name :** DILLARD, ANNA RUTH  
**Address :** 119 WESTON WATCH RD  
**City :** IRMO

**Driver License No.:**  
**State:** SC **Zip:** 290632008

**Outstanding Fees:**

\$100.00 DL SUSPENSION REINSTATEMENT for Implied Consent

**Suspensions to be served:**

Regular License Suspended  
From 08/29/2009 until 11/11/2009 for Implied Consent on 11/23/2008

**Other requirements to be met before driving privileges will be granted:**

Serve Suspension Term



8/26/2009  
10:18:56 AM

Page 1

0091

REDACTED

FORM S-438  
REV 3/09

STATE OF SOUTH CAROLINA  
Uniform Traffic Ticket

CITY OF IRMO

VERSUS

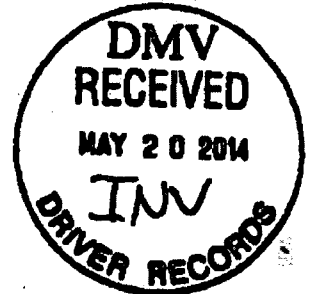
First Name <b>ANNA RUTH DILLARD</b>		Middle Name	Last Name	
Street and Number <b>119 WESTON WATCH ROAD,</b>		City <b>IRMO, SC 29063</b>	State	Zip Code
State Licensed <b>SC</b>	Driver's License Number			
Veh Lic Number <b>356VXW-SC</b>	Model <b>NISSAN ALTIMA 4 DOOR</b>	Make of Veh <b>NISS</b>	Year <b>0800</b>	N

**YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER**

Name of Trial Officer <b>CITY OF IRMO</b>		Street and Number <b>7300 WOODROW ST.</b>		
Date of Trial <b>7/01/2009</b>	Time of Trial <b>12:12 PM</b>	City <b>IRMO, SC 29063</b>	State	Zip
Violation-Court Appearance Required <b>DUI 1ST OFFENSE &lt; 10</b>		Yes	No	Violation Sect Code <b>56-5-2930</b>
Owner of Vehicle			Date of Arrest <b>11/22/2008</b>	
Address of Owner			Date of Violation <b>11/22/2008</b>	
Bail deposited	Name of Arrest Officer <b>GRINSTEAD, ANDREA A</b>		Rank	
Description of Accused		County <b>LEXINGTON</b>	Number	
Race <b>W</b>	Sex <b>F</b>	Birth Date	Height <b>0 ft. 0 in.</b>	Weight <b>0</b>
Date Bail Red'd		By	Badge <b>18AAG</b>	District
CASE BEFORE			Day: <b>Saturday</b>	
Circuit Court	Magistrate	Municipal Judge <b>X</b>	Time of Violation <b>7:23:54</b>	
	Family Court	Federal Court	Weather <b>/</b>	
Name of Trial Officer if Different from above:			Distance in feet from Intersection of <b>THE 1300 BLOCK OF LAKE MURRAY BOULEVARD</b>	
Defendant	Did not appear	Appeared	And	
DISPOSITION			Distance in Feet from the intersection of	
NOLLE PROSEDO		PLED GUILTY		
FORFEITED BOND		NOL CONTENDERE		
TRIAL BY Judge			Hwy No	
Verdict of Trial if Any <b>DOCKET CLOSED - FOUND GUILTY</b>		Date of Trial if any	Lit	
Jail	Suspend	Fine <b>\$1026.91</b>	Arnt Collected <b>997.00</b>	Arnt Suspended
Committed to		Vehicle Searched	Arrest result of Collision No	Offense Code
CERTIFIED CORRECT <b>JOSEPH M EPTING</b>		DATE <b>6/11/2009</b>	TICKET NUMBER <b>31555E</b>	

Certified to be a true and correct copy of the original document on file with the South Carolina Department Motor Vehicles.

*A. L. Phelps*  
Driver Services, Deputy Director



A TRUE COPY  
*K. Hoffman*  
LEXINGTON/RICHLAND  
IRMO MUNICIPAL COURT

499 AM

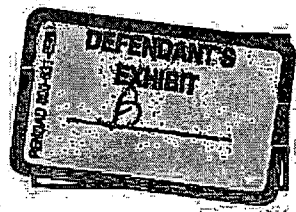


SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010  
IRMO POLICE DEPT (151)

CITATION STATUS CODES:  
C-COURT S-SIGNED OFF (SENT TO SCDMV)  
U-UNUSED X-VOID (SENT TO SCDMV)  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<del>L</del> 40152CE	<del>L</del> 40154CE	<del>L</del> 40157CE	<del>L</del> 40158CE	<del>L</del> 40159CE	<del>L</del> 40160CE	<del>L</del> 40161CE	<del>L</del> 40162CE	<del>L</del> 40163CE	<del>L</del> 40164CE
<del>L</del> 40165CE	<del>L</del> 40166CE	<del>L</del> 40167CE	<del>L</del> 40168CE	<del>L</del> 40169CE	<del>L</del> 40170CE	<del>L</del> 40171CE	<del>L</del> 40172CE	<del>L</del> 40173CE	<del>L</del> 40174CE
<del>L</del> 40175CE	<del>L</del> 40176CE	<del>L</del> 40177CE	<del>L</del> 40178CE	<del>L</del> 40179CE	<del>L</del> 40180CE	<del>L</del> 40181CE	<del>L</del> 40182CE	<del>L</del> 40183CE	<del>L</del> 40184CE
<del>L</del> 40185CE	<del>L</del> 40186CE	<del>L</del> 40187CE	<del>L</del> 40188CE	<del>L</del> 40189CE	<del>L</del> 40190CE	<del>L</del> 40191CE	<del>L</del> 40192CE	<del>L</del> 40193CE	<del>L</del> 40194CE
<del>L</del> 40195CE	<del>L</del> 40196CE	<del>L</del> 40197CE	<del>L</del> 40198CE	<del>L</del> 40199CE	<del>L</del> 40200CE				
FIRST OUTSTANDING TICKET 60152CE	LAST OUTSTANDING TICKET 60200CE								
<del>L</del> 44143DF	LAST OUTSTANDING TICKET 60200CE								
FIRST OUTSTANDING TICKET 44143DF	LAST OUTSTANDING TICKET 44143DF								
<del>X</del> 37287DO	<del>X</del> 37292DO	<del>L</del> 37293DO	<del>L</del> 37294DO	<del>L</del> 37300DO					
FIRST OUTSTANDING TICKET 37287DO	LAST OUTSTANDING TICKET 37300DO								
<del>L</del> 56903EA	<del>L</del> 56904EA	<del>L</del> 56910EA	<del>L</del> 56911EA	<del>L</del> 56925EA					
FIRST OUTSTANDING TICKET 56903EA	LAST OUTSTANDING TICKET 56925EA								
<del>L</del> 57223EA	<del>L</del> 57238EA	<del>L</del> 57234EA	<del>L</del> 57235EA	<del>L</del> 57236EA	<del>L</del> 57257EA	<del>L</del> 57238EA	<del>L</del> 57239EA	<del>L</del> 57240EA	<del>L</del> 57241EA
<del>L</del> 57242EA	<del>L</del> 57243EA	<del>L</del> 57244EA	<del>L</del> 57245EA	<del>L</del> 57246EA	<del>L</del> 57247EA	<del>L</del> 57248EA	<del>L</del> 57249EA	<del>L</del> 57250EA	
FIRST OUTSTANDING TICKET 57223EA	LAST OUTSTANDING TICKET 57250EA								
<del>L</del> 57567EA	<del>L</del> 57568EA	<del>L</del> 57569EA	<del>L</del> 57570EA						
FIRST OUTSTANDING TICKET 57567EA	LAST OUTSTANDING TICKET 57570EA								
<del>L</del> 58090EA	LAST OUTSTANDING TICKET 58090EA								
FIRST OUTSTANDING TICKET 58090EA	LAST OUTSTANDING TICKET 58090EA								
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FIRST OUTSTANDING TICKET 58335EA	LAST OUTSTANDING TICKET 58335EA								
<del>L</del> 31044EE	<del>L</del> 31047EE								
FIRST OUTSTANDING TICKET 31044EE	LAST OUTSTANDING TICKET 31047EE								
<del>L</del> 31092EE	LAST OUTSTANDING TICKET 31092EE								
FIRST OUTSTANDING TICKET 31092EE	LAST OUTSTANDING TICKET 31092EE								
<del>L</del> 31112EE	<del>L</del> 31113EE	<del>L</del> 31119EE	<del>L</del> 31120EE						
FIRST OUTSTANDING TICKET 31112EE	LAST OUTSTANDING TICKET 31120EE								
<del>L</del> 31151EE	<del>L</del> 31162EE	<del>L</del> 31174EE							
FIRST OUTSTANDING TICKET 31151EE	LAST OUTSTANDING TICKET 31174EE								
<del>L</del> 31201EE	<del>L</del> 31202EE	<del>L</del> 31203EE	<del>L</del> 31204EE	<del>L</del> 31205EE	<del>L</del> 31206EE	<del>L</del> 31207EE	<del>L</del> 31208EE	<del>L</del> 31209EE	<del>L</del> 31210EE
<del>L</del> 31211EE	<del>L</del> 31212EE	<del>L</del> 31213EE	<del>L</del> 31214EE	<del>L</del> 31215EE	<del>L</del> 31216EE	<del>L</del> 31217EE	<del>L</del> 31218EE	<del>L</del> 31219EE	<del>L</del> 31220EE

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*D. L. Phelps*  
Driver Services, Deputy Director

0093

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2010  
IRMO POLICE DEPT (131)

CITATION STATUS CODES:  
C-COURT  
U-UNUSED  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)  
S-SIGNED OFF (SENT TO SCDMV)  
X-VOID (SENT TO SCDMV)

U31221EE	U31222EE	U31223EE	U31224EE	U31225EE	U31226EE	U31227EE	U31228EE	U31229EE	U31230EE
U31231EE	U31232EE	U31233EE	U31234EE	U31235EE	U31236EE	U31237EE	U31238EE	U31239EE	U31240EE
U31241EE	U31242EE	U31243EE	U31244EE	U31245EE	U31246EE	U31247EE	U31248EE	U31249EE	U31250EE
FIRST OUTSTANDING TICKET 31201EE LAST OUTSTANDING TICKET 31250EE 05/21/2008 50									
C31304EE									
FIRST OUTSTANDING TICKET 31304EE LAST OUTSTANDING TICKET 31304EE 05/21/2008 1									
U31393EE	U31394EE	U31395EE	U31396EE	U31397EE	U31398EE	U31399EE	U31400EE		
FIRST OUTSTANDING TICKET 31393EE LAST OUTSTANDING TICKET 31400EE 05/21/2008 8									
X31407EE	U31424EE	U31425EE	U31426EE	U31427EE	U31428EE	U31429EE	U31430EE	U31431EE	U31432EE
U31433EE	U31434EE	U31435EE	U31436EE	U31437EE	U31438EE	U31439EE	U31440EE	U31441EE	U31442EE
U31443EE	U31444EE	U31445EE	U31446EE	U31447EE	U31448EE	U31449EE	U31450EE		
FIRST OUTSTANDING TICKET 31407EE LAST OUTSTANDING TICKET 31450EE 05/21/2008 28									
X31462EE	C31463EE	C31464EE							
FIRST OUTSTANDING TICKET 31462EE LAST OUTSTANDING TICKET 31464EE 05/21/2008 3									
C31501EE	C31520EE	C31535EE							
FIRST OUTSTANDING TICKET 31501EE LAST OUTSTANDING TICKET 31535EE 05/21/2008 3									
C31508EE	C31592EE	C31598EE							
FIRST OUTSTANDING TICKET 31508EE LAST OUTSTANDING TICKET 31598EE 05/21/2008 3									
C31621EE	C31643EE	C31647EE	C31648EE						
FIRST OUTSTANDING TICKET 31621EE LAST OUTSTANDING TICKET 31648EE 05/21/2008 4									
X31651EE	C31659EE	C31660EE	C31661EE	C31663EE	C31670EE	C31700EE			
FIRST OUTSTANDING TICKET 31651EE LAST OUTSTANDING TICKET 31700EE 05/21/2008 7									
C31719EE	C31720EE	U31721EE	U31722EE	U31723EE	U31724EE	U31725EE	U31726EE	U31727EE	U31728EE
U31729EE	U31730EE	U31731EE	U31732EE	U31733EE	U31734EE	U31735EE	U31736EE	U31737EE	U31738EE
U31739EE	U31740EE	U31741EE	U31742EE	U31743EE	U31744EE	U31745EE	U31746EE	U31747EE	U31748EE
FIRST OUTSTANDING TICKET 31719EE LAST OUTSTANDING TICKET 31750EE 05/21/2008 32									
C31785EE									
FIRST OUTSTANDING TICKET 31785EE LAST OUTSTANDING TICKET 31785EE 05/21/2008 1									
C31807EE	C31815EE	C31818EE							
FIRST OUTSTANDING TICKET 31807EE LAST OUTSTANDING TICKET 31818EE 05/21/2008 3									

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*A. L. Phelps*

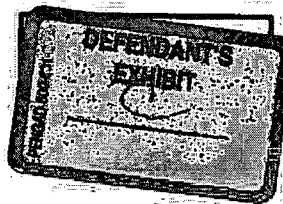
Driver Services, Deputy Director

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2011  
IRMO POLICE DEPT (131)

CITATION STATUS CODES:  
C-COURT S-SIGNED OFF (SENT TO SCDMV)  
U-UNUSED X-VOID (SENT TO SCDMV)  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

FIRST OUTSTANDING TICKET	LAST OUTSTANDING TICKET	DATE	COUNT
U31393EE U31394EE U31395EE	U31396EE U31397EE U31398EE U31399EE	05/21/2008	1
U31424EE U31425EE U31426EE	U31427EE U31428EE U31429EE U31430EE	05/21/2008	8
U31434EE U31435EE U31436EE	U31437EE U31438EE U31439EE U31440EE	05/21/2008	27
U31444EE U31445EE U31446EE	U31447EE U31448EE U31449EE U31450EE	05/21/2008	2
L31463EE L31464EE	L31465EE	05/21/2008	2
L31501EE L31528EE C31535EE	L31535EE	05/21/2008	3
C31588EE	C31588EE	05/21/2008	1
C31621EE C31643EE C31647EE	C31648EE	05/21/2008	4
L31659EE L31660EE C31661EE	C31663EE C31678EE C31700EE	05/21/2008	6
U31719EE L31720EE U31721EE	U31722EE U31723EE U31724EE U31725EE	05/21/2008	32
U31729EE U31730EE I31731EE	I31732EE I31733EE I31734EE I31735EE	05/21/2008	3
I31739EE I31740EE I31741EE	I31742EE I31743EE I31744EE I31745EE	05/21/2008	1
I31749EE I31750EE	I31751EE I31752EE I31753EE I31754EE	05/21/2008	1
L31807EE L31815EE L31818EE	L31818EE	05/21/2008	3
L31862EE	L31862EE	05/21/2008	1
C31957EE	C31957EE	05/21/2008	1
C32006EE C32017EE	C32017EE	05/21/2008	2

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*A. L. Phelps*  
Driver Services, Deputy Director

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SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2013  
IRMO POLICE DEPT (131)

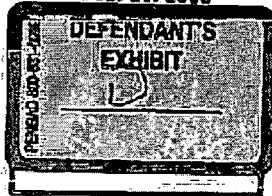
07/09/2013 PAGE 4,366

CITATION STATUS CODES:

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U-UNUSED X-VOID (SENT TO SCDMV)  
N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

U 60152CE	S 60154CE	U 60157CE	U 60158CE	U 60159CE	U 60160CE	U 60161CE	U 60162CE	U 60163CE	U 60164CE
U 60165CE	U 60166CE	U 60167CE	U 60168CE	U 60169CE	U 60170CE	U 60171CE	U 60172CE	U 60173CE	U 60174CE
U 60175CE	U 60176CE	U 60177CE	U 60178CE	U 60179CE	U 60180CE	U 60181CE	U 60182CE	U 60183CE	U 60184CE
U 60185CE	U 60186CE	U 60187CE	U 60188CE	U 60189CE	U 60190CE	U 60191CE	U 60192CE	U 60193CE	U 60194CE
U 60195CE	U 60196CE	U 60197CE	U 60198CE	U 60199CE	U 60200CE				
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S 57567EA									
1ST OUTSTANDING TICKET 57567EA		LAST OUTSTANDING TICKET 57567EA		01/31/2007	1				
U 31044EE	S 31047EE								
1ST OUTSTANDING TICKET 31044EE		LAST OUTSTANDING TICKET 31047EE		05/21/2008	2				
S 31092EE									
1ST OUTSTANDING TICKET 31092EE		LAST OUTSTANDING TICKET 31092EE		05/21/2008	1				
S 31119EE	S 31120EE								
1ST OUTSTANDING TICKET 31119EE		LAST OUTSTANDING TICKET 31120EE		05/21/2008	2				
S 31151EE	S 31174EE								
1ST OUTSTANDING TICKET 31151EE		LAST OUTSTANDING TICKET 31174EE		05/21/2008	2				
U 31201EE	U 31202EE	U 31203EE	U 31204EE	U 31205EE	U 31206EE	U 31207EE	U 31208EE	U 31209EE	U 31210EE
U 31211EE	U 31212EE	U 31213EE	U 31214EE	U 31215EE	U 31216EE	U 31217EE	U 31218EE	U 31219EE	U 31220EE
U 31221EE	U 31222EE	U 31223EE	U 31224EE	U 31225EE	U 31226EE	U 31227EE	U 31228EE	U 31229EE	U 31230EE
U 31231EE	U 31232EE	U 31233EE	U 31234EE	U 31235EE	U 31236EE	U 31237EE	U 31238EE	U 31239EE	U 31240EE
U 31241EE	U 31242EE	U 31243EE	U 31244EE	U 31245EE	U 31246EE	U 31247EE	U 31248EE	U 31249EE	U 31250EE
1ST OUTSTANDING TICKET 31201EE		LAST OUTSTANDING TICKET 31250EE		05/21/2008	30				
S 31304EE									
1ST OUTSTANDING TICKET 31304EE		LAST OUTSTANDING TICKET 31304EE		05/21/2008	1				
U 31393EE	U 31394EE	U 31395EE	U 31396EE	U 31397EE	U 31398EE	U 31399EE	U 31400EE		
1ST OUTSTANDING TICKET 31393EE		LAST OUTSTANDING TICKET 31400EE		05/21/2008	8				
U 31424EE	U 31425EE	U 31426EE	U 31427EE	U 31428EE	U 31429EE	U 31430EE	U 31431EE	U 31432EE	U 31433EE
U 31434EE	U 31435EE	U 31436EE	U 31437EE	U 31438EE	U 31439EE	U 31440EE	U 31441EE	U 31442EE	U 31443EE
U 31444EE	U 31445EE	U 31446EE	U 31447EE	U 31448EE	U 31449EE	U 31450EE			
1ST OUTSTANDING TICKET 31424EE		LAST OUTSTANDING TICKET 31450EE		05/21/2008	27				
S 31443EE									
1ST OUTSTANDING TICKET 31443EE		LAST OUTSTANDING TICKET 31443EE		05/21/2008	1				

9600



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*A. L. Phelps*

Driver Services, Deputy Director

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES  
 INVENTORY REPORT OF UNIFORM TRAFFIC CITATIONS FOR 2013  
 IRMO POLICE DEPT (131)

07/09/2013 PAGE 4,367

CITATION STATUS CODES:  
 C-COURT S-SIGNED OFF (SENT TO SCDMV)  
 U-UNUSED X-VOID (SENT TO SCDMV)  
 N-VOID (NOT SENT TO SCDMV, MUST SEND COPY OR AFFIDAVIT)

<u>S</u> 31501EE	<u>X</u> 31528EE	<u>S</u> 31833EE	IRST OUTSTANDING TICKET 31501EE	LAST OUTSTANDING TICKET 31535EE	05/21/2008	3																						
<u>S</u> 31588EE			IRST OUTSTANDING TICKET 31588EE	LAST OUTSTANDING TICKET 31588EE	05/21/2008	1																						
<u>C</u> 31621EE	<u>C</u> 31643EE	<u>S</u> 31647EE	<u>S</u> 31648EE	IRST OUTSTANDING TICKET 31621EE	LAST OUTSTANDING TICKET 31648EE	05/21/2008	4																					
<u>S</u> 31643EE	<u>X</u> 31678EE	<u>S</u> 31708EE	IRST OUTSTANDING TICKET 31643EE	LAST OUTSTANDING TICKET 31708EE	05/21/2008	3																						
<u>S</u> 31719EE	<u>S</u> 31728EE	<u>U</u> 31721EE	<u>U</u> 31722EE	<u>U</u> 31728EE	<u>U</u> 31724EE	<u>U</u> 31725EE	<u>U</u> 31726EE	<u>U</u> 31727EE	<u>U</u> 31728EE	<u>U</u> 31730EE	<u>U</u> 31731EE	<u>U</u> 31732EE	<u>U</u> 31733EE	<u>U</u> 31734EE	<u>U</u> 31735EE	<u>U</u> 31736EE	<u>U</u> 31737EE	<u>U</u> 31738EE	<u>U</u> 31739EE	<u>U</u> 31740EE	<u>U</u> 31741EE	<u>U</u> 31742EE	<u>U</u> 31743EE	<u>U</u> 31744EE	<u>U</u> 31745EE	<u>U</u> 31746EE	<u>U</u> 31747EE	<u>U</u> 31748EE
<u>U</u> 31729EE	<u>U</u> 31730EE	<u>U</u> 31731EE	<u>U</u> 31732EE	<u>U</u> 31733EE	<u>U</u> 31734EE	<u>U</u> 31735EE	<u>U</u> 31736EE	<u>U</u> 31737EE	<u>U</u> 31738EE	<u>U</u> 31739EE	<u>U</u> 31740EE	<u>U</u> 31741EE	<u>U</u> 31742EE	<u>U</u> 31743EE	<u>U</u> 31744EE	<u>U</u> 31745EE	<u>U</u> 31746EE	<u>U</u> 31747EE	<u>U</u> 31748EE									
<u>U</u> 31739EE	<u>U</u> 31740EE	<u>U</u> 31741EE	<u>U</u> 31742EE	<u>U</u> 31743EE	<u>U</u> 31744EE	<u>U</u> 31745EE	<u>U</u> 31746EE	<u>U</u> 31747EE	<u>U</u> 31748EE																			
<u>U</u> 31749EE	<u>U</u> 31750EE		IRST OUTSTANDING TICKET 31719EE	LAST OUTSTANDING TICKET 31750EE	05/21/2008	32																						
<u>S</u> 31807EE	<u>S</u> 31815EE	<u>C</u> 31818EE	IRST OUTSTANDING TICKET 31807EE	LAST OUTSTANDING TICKET 31818EE	05/21/2008	3																						
<u>S</u> 31862EE			IRST OUTSTANDING TICKET 31862EE	LAST OUTSTANDING TICKET 31862EE	05/21/2008	1																						
<u>C</u> 31957EE			IRST OUTSTANDING TICKET 31957EE	LAST OUTSTANDING TICKET 31957EE	05/21/2008	1																						
<u>S</u> 32017EE			IRST OUTSTANDING TICKET 32017EE	LAST OUTSTANDING TICKET 32017EE	05/21/2008	1																						
<u>C</u> 32052EE	<u>S</u> 32092EE		IRST OUTSTANDING TICKET 32052EE	LAST OUTSTANDING TICKET 32092EE	05/21/2008	2																						
<u>S</u> 32147EE	<u>S</u> 32148EE		IRST OUTSTANDING TICKET 32147EE	LAST OUTSTANDING TICKET 32148EE	05/21/2008	2																						
<u>S</u> 32197EE			IRST OUTSTANDING TICKET 32197EE	LAST OUTSTANDING TICKET 32197EE	05/21/2008	1																						
<u>X</u> 32217EE			IRST OUTSTANDING TICKET 32217EE	LAST OUTSTANDING TICKET 32217EE	05/21/2008	1																						
<u>S</u> 32288EE	<u>S</u> 32289EE	<u>S</u> 32292EE	<u>S</u> 32294EE	<u>S</u> 32299EE																								

0097

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 copy of the original document on file  
 with the South Carolina Department of  
 Motor Vehicles.

*A. L. Shelton*  
 Driver Services, Deputy Director



# OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288811 Driver License No: \_\_\_\_\_  
 Name: WILSON, ANNA DILLARD  
 Address: 1 PADDOCK CHASE  
 City: IRMO State: SC Zip: 290632937  
 County: RICHLAND  
 DOB: \_\_\_\_\_ Sex: F Driver Training: N

---

Status - DL: NO SUSPENSION CDL: NO DISQUALIFICATION

### License Information

Type	Class	Function	Issued	Expires	First Issued	Rest.	Endor.
Current							
DL	D	Modify	03/03/2014	07/11/2019	08/02/1993	Y	N
Prior							
DL	D	Renewal	11/12/2009	07/11/2019	08/02/1993	Y	N
DL	D	Duplicate	02/19/2010	07/11/2019	08/02/1993	Y	N
RR	D	Returned	09/22/2009	11/11/2009	08/02/1993	Y	N
RR	D	Original	09/22/2009	11/11/2009	08/02/1993	Y	N
TA DL	D	Returned	12/08/2008	06/08/2009	08/02/1993	N	N
TA DL	D	Original	12/08/2008	06/08/2009	08/02/1993	N	N
DL	D	Renewal	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Reissue	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Returned	06/15/2007	07/11/2012	08/02/1993	Y	N
DL	D	Renewal	11/22/2002	07/11/2007	08/02/1993	Y	N
DL	D	Duplicate	10/14/2004	07/11/2007	08/02/1993	Y	N
DL	D	Renewal	07/18/1997	07/11/2002	08/02/1993	Y	N

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

*[Signature]*  
 Driver Services, Deputy Director

Current Restrictions: A Corrective Lens

### Name Change -

Name: DILLARD, ANNA RUTH

Date Changed: 02/19/2010

### Address Change -

Address: 119 WESTON WATCH RD  
 City: IRMO

State: SC Zip: 290632006

Date Changed: 03/03/2014

### Point Summary

Total Current Points: 0  
 Driver Credit: -0  
 Adjusted Current Points: 0

### SC Driver License Surrendered

License Type: TA DL Class: D Function: Original  
 Date Surrendered: 09/22/2009  
 Reason for Return: RETURNED VOLUNTARILY

Posted: 09/22/2009

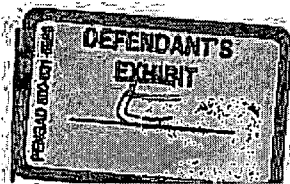
Issued: 12/08/2008

Returning State: SC

### ADSAP - Alcohol and Drug Safety Action Program

Enrolled: 06/18/2009 Status: SUCCESSFUL COMPLETION  
 Enrollment No: 000224137

Post Date: 07/02/2009



0098

REDACTED

## OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 26288611

Driver License No: \_\_\_\_\_

Name: WILSON, ANNA DILLARD

**SUSP:** 091 - Implied Consent  
**Special Driving Privilege:** ROUTE RESTRICTED  
**Suspension Beg:** 08/29/2009  
**Causal:** 11/23/2008  
**Reinstatement Requirements Met:** 11/12/2009  
**ACD: A12 Withdrawal Loc Ref:**

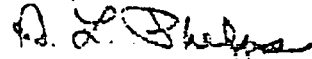
**Suspension End:** 11/11/2009  
**Post:** 12/01/2008  
**Reinstatement Fee Paid:** Y  
**Withdrawal Reason Ref:**

**VIOL:** 401 - Implied Consent  
**Violation:** 11/23/2008      **Conviction:** 11/23/2008  
**ACD: A12 Conviction Loc Ref:**  
**Conviction State:** SC

**Recd:** 11/26/2008      **Post:** 12/01/2008  
**Conviction Reference:**  
**Court Type:**

**End of Report**

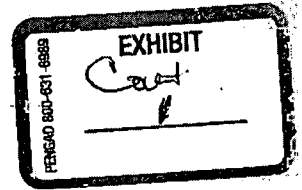
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copy of the original document on file  
with the South Carolina Department of  
Motor Vehicles.



Driver Services Deputy Director

0099

381 S.C. 323 (2009)  
673 S.E.2d 416



Charles R. HIPP, III, Respondent,

v.

SOUTH CAROLINA DEPARTMENT OF MOTOR VEHICLES, Appellant.

No. 26588.

Supreme Court of South Carolina.

Heard December 4, 2008.

Decided January 26, 2009.

324 \*324 General Counsel Frank L. Valenta, Jr., Deputy General Counsel Philip S. Porter, and Assistant General Counsel Linda A. Grice, all of Blythewood, for Appellant.

Michael A. Timbes, of Thurmond, Kirchner & Timbes, of Charleston, for Respondent.

PER CURIAM:

South Carolina Department of Motor Vehicles (SCDMV) appeals the order of the circuit court enjoining it from suspending the driver's license of Respondent Charles R. Hipp, III (Respondent) as a consequence of Respondent's 1993 Georgia conviction for driving under the influence (DUI). We affirm.

## FACTS

Respondent was arrested and pled guilty to DUI in the State of Georgia in 1993. At the time of the arrest, Respondent was a South Carolina resident attending college in South Carolina, and a driver licensed by the South Carolina Department of Motor Vehicles (SCDMV). As a result of his plea, Respondent paid a fine to the State of Georgia and fulfilled other conditions required by Georgia. In 2005, twelve years after his conviction, Respondent received notice from the SCDMV that his South Carolina driver's license was being suspended as a consequence of his 1993 Georgia DUI conviction. Respondent filed a declaratory judgment action asking the court to enjoin suspension of his license. The circuit court issued an order enjoining the SCDMV from suspending Respondent's driver's license.

## ISSUE

Did the circuit court err in enjoining the suspension of Respondent's driver's license?

## STANDARD OF REVIEW

325 "Actions for injunctive relief are equitable in nature." Shaw v. Coleman, 373 S.C. 485, 492, 645 S.E.2d 252, 256 \*325 (Ct.App.2007). In actions in equity this Court may find facts in accordance with its own view of the preponderance of the evidence. *Id.*

## ANALYSIS

The circuit court cited three grounds for enjoining suspension of Respondent's driver's license: (1) that the applicable statute is ambiguous; (2) the doctrine of laches; and (3) that suspension twelve years after conviction violates the

"fundamental fairness" required by due process. We find the circuit court's conclusion as to fundamental fairness to be persuasive and so, affirm.<sup>[1]</sup>

A person's interest in his driver's license is property that a state may not take away without satisfying the requirements of due process. Bell v. Burson, 402 U.S. 535, 91 S.Ct. 1586, 29 L.Ed.2d 90 (1971). Due process is violated when a party is denied fundamental fairness. City of Spartanburg v. Parris, 251 S.C. 187, 191, 161 S.E.2d 228, 230 (1968).

This Court addressed facts similar to those in the case at hand in State v. Chavis, 261 S.C. 408, 200 S.E.2d 390 (1973). While we found fundamental fairness was not violated by suspension after a one-year delay, we allowed that there might be circumstances under which it could be soundly held that the State had no right to suspend a driver's license after a lengthy delay. *Id.* at 411, 200 S.E.2d at 391. We find in the instant case the extreme circumstances contemplated by *Chavis*.

326 While we do not intend to set forth a bright line rule, we find that imposition of a suspension after more than twelve years delay, where Respondent bears no fault for the delay, is manifestly a denial of fundamental fairness.<sup>[2]</sup> Though neither dispositive nor directly applicable to the instant case, we note \*326 that Title 56 of the South Carolina Code, which addresses "Motor Vehicles," is replete with ten-year limitations for purposes of sentence enhancement and keeping record of convictions. See, e.g., S.C.Code Ann. §§ 56-1-746 (for purposes of determining a prior offense for sentence enhancement of alcohol-related offenses, only convictions within ten years of the date of the most recent violation are considered prior offenses); XX-X-XXXX (violation convictions shall be entered in the records of the SCDMV for a period of ten years); XX-X-XXXX (for sentence enhancement of convictions for operating motor vehicle under influence of alcohol or drugs, only those violations which occurred within ten years preceding date of last violation constitute prior violations); XX-X-XXXX (in determining time of suspension of driver's license, only violations which occurred within ten years of the last violation shall constitute prior violations).

## CONCLUSION

We agree with the circuit court that under the unique circumstances of this case, the attempted suspension of Respondent's driver's license twelve years after conviction constitutes a denial of fundamental fairness. The order enjoining suspension is therefore

AFFIRMED.

TOAL, C.J., WALLER, PLEICONES, BEATTY and KITTREDGE, JJ., concur.

[1] Having found the circuit court's decision supported by its finding that Respondent was denied fundamental fairness, we do not address the remaining grounds. See Wilson v. Moseley, 327 S.C. 144, 147, 488 S.E.2d 862, 864 (1997).

[2] It should be noted that neither Respondent nor SCDMV is at fault for the delay. The unexplained delay in reporting the 1993 violation appears to be solely attributable to the inaction of the State of Georgia.

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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas  
The Honorable L. Casey Manning, Circuit Court Judge

Appellate Case No. 2015-000887

RECEIVED

DEC 04 2015

SC Court of Appeals

Anna Dillard Wilson ..... Respondent,

v.

South Carolina Department of Motor Vehicles ..... Appellant.

CERTIFICATE OF COUNSEL

The undersigned counsel hereby certifies pursuant to SCARC Rule 210(g) that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Brandy A. Duncan, SC Bar # 72052  
Assistant General Counsel  
S.C. Department of Motor Vehicles

December 9, 2015  
Blythewood, SC

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
The Honorable L. Casey Manning, Circuit Court Judge

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Appellate Case No. 2015-000887

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Anna Dillard Wilson . . . . . Respondent,

v.

South Carolina Department of Motor Vehicles . . . . . Appellant.

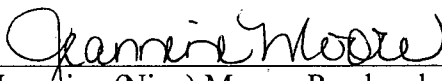
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**CERTIFICATE OF SERVICE**

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PURSUANT TO SCACR, I HEREBY CERTIFY that today, December 3,  
2015, I served one (1) copy of the Record on Appeal by depositing with the United States  
Postal Service, correct postage prepaid, to Counsel for the Respondent at the address  
indicated below:

John D. Elliott, Esquire  
Post Office Box 607  
Columbia, South Carolina 29202

  
\_\_\_\_\_  
Jeannine (Nina) Moore, Paralegal  
Office of General Counsel

December 3, 2015  
Blythewood, South Carolina