

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENWOOD)
)
 THOMAS A WILLIAMS,)
)
 PLAINTIFF,)
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 vs.)
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 STATE OF SOUTH CAROLINA,)
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 DEFENDANT.)
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THE COURT OF COMMON PLEAS
RECEIVED
 No. 2014-CP-24-1091
 FEB 26 2016
 SC Court of Appeals

**ORDER DENYING MOTION TO
 RECONSIDER**

THIS MATTER IS BEFORE THE COURT on Appellant's Motion for Reconsideration of the Court's October 9, 2015 Order Denying Appellant's requested relief. The Appellant raises two issues.

Appellant's first argument was that the State should not have been allowed to introduce evidence of Appellant's refusal to provide a breath sample because Trooper James C. Ashley did not have a statutory right to offer Appellant a breath test pursuant to Code Section 56-5-2950(A). Counsel for Appellant argued that because Appellant was arrested only for DUI and not a traffic offense committed while driving under the influence, Appellant did not provide implied consent to a breath test being offered. Furthermore, Appellant's second argument was that the evidence regarding the S.C. Highway Patrol's selection of the roadblock site was produced in violation of Rule 5/Brady.

After careful consideration of the Appellant's Motion for Reconsideration, the Court respectfully declines to grant the Motion based on the following findings. While the Court

appreciates Appellant's argument of 56-5-2950, the Court does not interpret the statute to exclude implied consent for an arrest of solely DUI. Furthermore, the Court does not believe that Appellant was prejudiced in anyway with the evidence produced through Trooper Ashley's trial testimony. The evidence provided did not establish Appellant's innocence, mitigate punishment or impeach, discredit, or contradict the testimony of the State's witnesses.

WHEREFORE, Appellant's Motion for Reconsideration is respectfully denied.

IT IS SO ORDERED.



Donald B. Hocker
Circuit Court Judge

February 12, 2016
Laurens, South Carolina

