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Governor



Kevin A. Shwedo
Director

State of South Carolina
Department of Motor Vehicles

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JAN 30 2017

SC Court of Appeals

January 26, 2017

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

RE: James Winston Davis, Jr. v. South Carolina Department of Motor Vehicles
Appellate Case No: 2015-001622

Dear Ms. Kitchings:

On January 11, 2017, the Court of Appeals issued its' decision in the *Anna Dillard Wilson v. South Carolina Department of Motor Vehicles* case, opinion number 5464. While many of the issues in the *Wilson* case are similar to this case, the *Wilson* case left a great number of issues unanswered. The South Carolina Department of Motor Vehicles filed a Petition for Rehearing in the *Wilson* case today and specifically asked the Court for further clarification regarding the unanswered issues. Because so many issues were left unanswered, the South Carolina Department of Motor Vehicles respectfully requests that this case remain on the docket for oral argument on February 13, 2017.

Should this Court decide this case is no longer appropriate for oral argument, the unanswered issues/questions in the *Wilson* case are:

- 1) If Wilson is not to undergo the imposition of the suspension period, *should Wilson still be required to complete all the reinstatement requirement that typically go along with this type of suspension?*
 - a. *Completion of the Alcohol, Drug, and Substance Abuse Program (ADSAP)?¹*
 - b. *Filing form SR-22 for at least three (3) years after this suspension time would have ended if it was posted on the same day as Wilson's conviction?²*
 - c. *Payment of a \$100 reinstatement fee?³*
 - d. *Successful completion of the vision, knowledge, and skills tests before Wilson may be relicensed?⁴*

¹ Required by S.C. Code §56-5-2990(B).

² Required by S.C. Code §§56-9-500 and 56-9-630.

³ Required by S.C. Code §56-1-390(1).

⁴ Required by S.C. Code §56-1-130.

A handwritten signature in black ink, appearing to be "KSA".

- 2) If Wilson is not to undergo the imposition of the suspension period, *is the underlying DUI conviction still required or allowed to be posted on Respondent's driving record?*⁵
- 3) If Wilson is not to undergo the imposition of the suspension period, *should or must SCDMV simply include the period of suspension on Respondent's driving record as if it began on the date of Respondent's DUI conviction and ended on the statutorily appropriate date?*

Please note that the South Carolina Department of Motor Vehicles does not present these questions for the purposes of attempting to further argue this case after all briefs have been submitted, but rather in an attempt to ensure all issues are fully and thoroughly answered by the Court. For this reason, although I am presenting these questions/issues, I have attempted to ensure there is no argument in this letter or the questions.

In kind regards,



Brandy A. Duncan
Assistant General Counsel

cc: Frank A. Barton, Esquire
H. Wayne Floyd, Esquire

⁵ This question becomes particularly important if Wilson is convicted of one or more subsequent offenses of DUI or DUAC within a 10 year period of time. This is because of the graduated administrative penalties that are imposed (i.e. IID requirements under Emma's law) for such subsequent offenses. S.C. Code §56-5-2990.



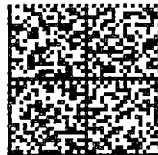
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