

The Supreme Court of South Carolina

Patti Silva, as personal representative for the Estate of
Adrian Silva, Plaintiff,

v.

Allstate Property and Casualty Insurance Company,
Defendant.

Appellate Case No. 2017-002110

ORDER

Pursuant to Rule 244 of the South Carolina Appellate Court Rules (SCACR), the Court will answer the following questions certified to this Court by order of Judge Richard M. Gergel, United States District Court Judge for the District of South Carolina, Charleston Division:

1. Can a law enforcement officer who conducts an official investigation of an accident that was not contemporaneously observed by any identified, surviving person, be a "witness" under South Carolina Code § 38-77-170?
2. Do injuries caused by a drive-by shooting "arise" from the operation of a motor vehicle under South Carolina Code § 38-77-140, where the shooting victim was operating a motor vehicle followed by the assailant vehicle and blocked from escape by the assailant vehicle during the shooting?

The parties shall proceed to serve and file briefs as provided by Rule 244(d), SCACR. Rule 244 does not provide for the filing of initial briefs; therefore, only final briefs should be filed in this matter.



FOR THE COURT C.J.

Columbia, South Carolina

November 16, 2017

cc:

Edward K. Pritchard, III, Esquire
Elizabeth Fraysure Fulton, Esquire
John S. Wilkerson, III, Esquire
Robert Edward Kneece, III, Esquire
The Honorable Richard M. Gergel