

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

The Honorable Marvin H. Dukes, III, Circuit Court Judge

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Case No. 2016-CP-07-1602

STATE OF SOUTH CAROLINA,

Respondent,

v.

Rufus Lovelle Smalls, Jr.,

Appellant.

**RECEIVED**  
SEP 20 2018  
SC Court of Appeals

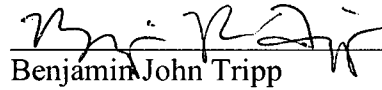
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**NOTICE OF APPEAL**

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Appellant Rufus Lovelle Smalls, Jr. appeals his conviction of driving under the influence under South Carolina Code section 29-56-2930. Specifically, Appellant appeals the rulings in the Order Affirming Magistrate Decision that under South Carolina Code section 56-5-2953, the DUI video recording was sufficient, and an affidavit from the arresting officer was not required. Judge Dukes issued the order, and Appellant received notice thereof, on September 7, 2018 following a hearing on September 15, 2017. During the hearing, Appellant presented Judge Dukes with a Memorandum in Support of Reversal, and the DUI video recording was played. Court reporter Deborah Thomas attended the hearing.

September 17, 2018



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Benjamin John Tripp  
Assistant Public Defender  
SC Bar #79789  
Post Office Box 525  
Beaufort, South Carolina 29901  
(843) 592-5417  
Attorney for Appellant

Other Counsel of Record:  
Margaret Strom, Esquire  
Assistant Solicitor  
Fourteenth Circuit Solicitor's Office  
Post Office Box 1880  
Bluffton, South Carolina 29910  
Attorney for Respondent

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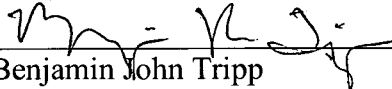
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**PROOF OF SERVICE**

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I certify that I have served the Notice of Appeal on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on September 17, 2018 addressed to Respondent's attorney of record, Margaret Strom, Esq., Post Office Box 1880, Bluffton, South Carolina 29910.

September 17, 2018



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Benjamin John Tripp  
Assistant Public Defender  
Post Office Box 525  
Beaufort, South Carolina 29901  
(843) 592-5417  
Attorney for Appellant



**COUNTY COUNCIL OF BEAUFORT COUNTY  
OFFICE OF THE PUBLIC DEFENDER**

Human Services Building 1905 Duke Street (Room 210) P.O. Box 525  
Beaufort, South Carolina 29901-0525  
Phone: (843) 255-5805 Fax: (843) 255-9494

September 17, 2018

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Clerk, SC Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211-1629

Re: **Notice of Intent to Appeal**  
State of South Carolina vs. Rufus Lovelle Smalls, Jr.  
2016-CP-07-1602

Dear Sir/Madam:

Enclosed please find the following documents:

1. Signed Notice of Appeal;
2. Signed Certificate of Service;
3. Copy of the order or sentencing sheet from which this appeal is taken.

If you require anything further, please contact me.

Sincerely,

Benjamin John Tripp  
Assistant Public Defender

Enclosures

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SEP 20 2018  
SC Court of Appeals

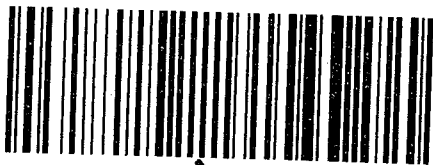


BEAUFORT COUNTY COUNCIL  
PUBLIC DEFENDER  
1905 DUKE STREET  
POST OFFICE BOX 525  
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Clerk, SC Court of Appeals  
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Columbia, SC 29211-1629

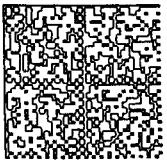
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