

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY  
Court of Common Pleas  
Case No. 2017-CP-46-01617

John C. Hayes, III, Special Circuit Court Judge

Appellate Case No. 2017-002616

**RECEIVED**  
OCT 09 2018  
SC Court of Appeals

City of Rock Hill,

Appellant,

v.

Andrew R. Maupin,

Respondent.

**MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT**

The City of Rock Hill (Appellant) and the Respondent respectfully move this Court to approve the settlement agreement outlined below pursuant to Rule 260 SCACR. The Appellant requests and the Respondent consents and agrees to the request that the order of the circuit court reversing Respondent's conviction in this matter be vacated and his conviction for Driving Under the Influence 1<sup>st</sup> offense be reinstated. This settlement agreement is based on Respondents desire to avoid continued litigation of this matter and the costs associated with continued litigation. The Appellant requests that this agreement be approved, as it is Appellant's belief that the decision of the circuit court in this matter was fundamentally flawed. Appellant believes that there it has a strong likelihood of success on the merits, however, Appellant further believes that the interests of justice are served with the reinstatement of Respondent's conviction.

We so move.



---

Christopher E.A. Barton  
201 E. Main St., 3<sup>rd</sup> Floor  
Rock Hill, SC 29730  
(803) 329-5692  
Attorney for Appellant



---

Michael L. Brown, Jr.  
Post Office Box 1025  
Rock Hill, SC 29732  
(803) 328-8822  
Attorney for Respondent

This 4<sup>th</sup> day of October, 2018.  
Rock Hill, South Carolina

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM YORK COUNTY  
Court of Common Pleas  
Case No. 2017-CP-46-01617

John C. Hayes, III, Special Circuit Court Judge

---

Appellate Case No. 2017-002616

City of Rock Hill,

Appellant,

v.

Andrew R. Maupin,

Respondent.

---

**SETTLEMENT AGREEMENT**

---

**RECEIVED**  
OCT 09 2018  
SC Court of Appeals

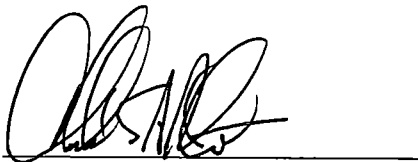
The Appellant and Respondent consent and agree to the following:

1. Respondent was convicted of Driving Under the Influence 1<sup>st</sup> offense following a bench trial in the City of Rock Hill Municipal Court on May 19, 2017.
2. Respondent filed an appeal from his conviction with the York County Court of Common Pleas on June 1, 2017.
3. Respondent's appeal was heard by the Honorable John C. Hayes, III, on November 7, 2017. By order dated November 17, 2017 and filed November 20, 2017, Judge Hayes reversed the ruling of the trial court and ordered a new trial in the matter.
4. Appellant filed a motion to alter or amend judgment pursuant to Rule 59(e), SCRCF on December 4, 2017. Judge Hayes subsequently issued an order altering his prior

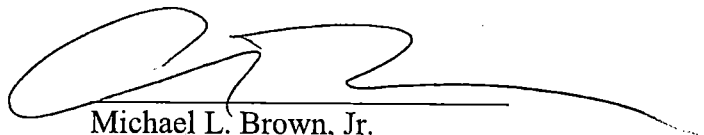
ruling and holding that Respondent's conviction should be dismissed on December 7, 2017 and the order was filed on December 7, 2017.

5. On December 19, 2017, Appellant filed a timely Notice of Appeal from the rulings of the circuit court.
6. That Respondent's conviction for Driving Under the Influence 1<sup>st</sup> offense (citation number 201622800054195) is reinstated and the opinion of the circuit court in this matter is vacated.
7. That the appeal in this matter (Appellate Case No. 2017-002616) is dismissed upon the reinstatement of the Respondent's conviction for Driving Under the Influence 1<sup>st</sup> offense (citation number 201622800054195) and of the opinion of the circuit court in this matter being vacated. That the South Carolina Court of Appeals issue an order approving this agreement.

We so move and consent.



Christopher E.A. Barton  
201 E. Main St., 3<sup>rd</sup> Floor  
Rock Hill, SC 29730  
(803) 329-5692  
Attorney for Appellant



Michael L. Brown, Jr.  
Post Office Box 1025  
Rock Hill, SC 29732  
(803) 328-8822  
Attorney for Respondent

This 4<sup>th</sup> day of October, 2018.  
Rock Hill, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas  
Case No. 2017-CP-46-01617

JOHN C. HAYES, III, Circuit Court Judge

Appellate Case No. 2017-002611

The City of Rock Hill,

Appellant,

v.

Andrew R. Maupin,

Respondent.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the Motion for Approval of Settlement and Settlement Agreement was been served upon opposing counsel by mailing a copy via regular U.S. Mail on the 4<sup>th</sup> day of October, 2018, to Michael L. Brown, Jr., Attorney for Respondent Post Office Box 1025 Rock Hill, South Carolina 29730.

I also certify that all parties required by Rule 203(b) SCACR to be served have been served.



Christopher E. A. Barton  
201 E Main Street, 3<sup>rd</sup> Floor  
Rock Hill, South Carolina 29730  
(803) 329-5692  
ATTORNEY FOR APPELLANT

**RECEIVED**  
OCT 09 2018  
SC Court of Appeals



**ROCK HILL**  
SOUTH CAROLINA

4 October 2018

Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**  
OCT 09 2018  
SC Court of Appeals

RE: City of Rock Hill, Appellant v. Andrew R. Maupin, Respondent  
Case No. 2017-002616

Dear Ms Kitchings:

Enclosed are the Motion for Approval of Settlement Agreement, Settlement Agreement, and the Certificate of Service in regards to the above-referenced case.

Truly Yours,

Christopher E.A. Barton  
201 E Main St, 3<sup>rd</sup> Floor  
Rock Hill, SC 29730  
(803) 329-5692  
SC Bar No: 65261  
Attorney for Appellant

cc: Michael L Brown, Jr.  
PO Box 1025  
Rock Hill, SC 29732  
(803) 328-8822  
Attorney for Respondent

---

CITY OF ROCK HILL SOLICITOR'S OFFICE

201 E. MAIN STREET, 3RD FLOOR, ROCK HILL, SOUTH CAROLINA 29730

OFFICE 803/329-5619 FACSIMILE 803/326-3865



CITY OF ROCK HILL SOLICITOR'S OFFICE  
201 E. MAIN STREET, 3RD FLOOR  
ROCK HILL, SC 29730



1020



29211

U.S. POSTAGE PAID  
FCM LETTER  
ROCK HILL, SC  
29730  
OCT 04, 18  
AMOUNT

**\$0.71**

R2304M111299-07

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

**RECEIVED**

OCT 09 2018

**SC Court of Appeals**

29211 81629 8012

