

FORM 1
NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2019-CP-02-00690

Herbert E. Pray, III,

Respondent,

v.

State of South Carolina,

Appellant.

NOTICE OF APPEAL

The State of South Carolina appealed a pre-trial order of the magistrate dismissing a charge of driving under the influence to the court of common pleas in Aiken County. The Honorable Clifton B. Newman issued an Order on Appeal filed August 12, 2019, affirming the dismissal. The State of South Carolina appeals the order affirming dismissal. Appellant received written notice of entry of this order on August 12, 2019

August 16, 2019



Samuel Grimes
Assistant Solicitor
Office of the Solicitor, Second Judicial Circuit
P.O. Drawer 3368
Aiken, SC 29802
(803) 642-1557

Other Counsel of Record:
Robert Sussman
Attorney for Respondent
347 Green Street
Augusta, GA 30901
(706) 724-3327

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AUG 19 2019
SC Court of Appeals

FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Clifton B. Newman, Circuit Court Judge

Case No. 2019-CP-02-00690

Herbert E. Pray, III,

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RECEIVED

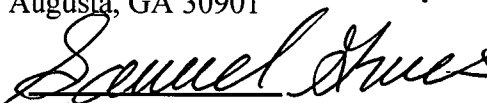
AUG 19 2019

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Herbert E. Pray, III by depositing a copy of it in the United States Mail, postage prepaid, on August 16, 2019, addressed to his attorney of record, Robert Sussman, 347 Green Street, Augusta, GA 30901

August 16, 2019



Samuel Grimes
Assistant Solicitor
Office of the Solicitor, Second Judicial Circuit
P.O. Drawer 3368
Aiken, SC 29802
(803) 642-1557

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

September 16, 2000

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

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SC Court of Appeals

RE: Herbert E. Pray, III, Respondent, v. State of South Carolina, Appellant,
Case No. 2019-CP-02-00690

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A filed version of the E-filed Notice of Intent to Appeal in the circuit court.
- (3) A copy of the order which is to be challenged on appeal.
- (4) A filing fee of \$100.*

Sincerely,



Samuel Grimes
Assistant Solicitor
Office of the Solicitor, Second Judicial Circuit
P.O. Drawer 3368
Aiken, SC 29802
(803) 642-1557

cc: Robert Sussman
Attorney for Respondent
347 Green Street
Augusta, GA 30901
(706) 724-3327

* Under Rule 203(d)(1)(B)(iii) and (d)(2)(B)(iii), SCACR, a filing fee is not required if the appeal is from a criminal case including juvenile delinquency matters, or if the appeal is taken by the State of South Carolina, its departments or agencies. Further, no filing fees are required in post-conviction relief cases. Rule 240(d), SCACR.

**Office of the Solicitor
Second Judicial Circuit
Post Office Drawer 3368
Aiken, S.C. 29802**

37

RECEIVED

AUG 19 2019

SC Court of Appeals

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