

1973 WL 26724 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 1, 1973

***1 In Re: Robert Graham Johnson, Summons No. AW 4297, DUI.**

Honorable Frank Powell
Sheriff
1400 Huger Street
Columbia, South Carolina

Dear Sheriff Powell:

Your letter of April 27, addressed to Mr. Grady Lemond of the State Highway Department, has been referred to this Office for reply.

Records of the Department show that the magistrate involved certified that the defendant was tried in absentia and found guilty on the 19th day of April, 1973, and that the cash bond deposited was applied to the satisfaction of such fine. Under the ruling of the South Carolinas Supreme Court in [Town of Batesburg v. Mitchell, 53 S.C. 564, 37 S.E. 36](#), satisfaction of the sentence by payment of the fine ended the matter. There is nothing to reopen, unless written notice of appeal was served on both the magistrate and the State within five days thereafter.

Since it is mandatory upon the Department to suspend upon proper notification of DUI, this Office must advise the Department that it is not empowered to alter the status of the subject driver license in these circumstances.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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