

1973 WL 26878 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 12, 1973

**\*1 re: Mildred Turner Hoover D. L. No. 2116971**

Mr. Grady F. Lemond  
Driver License Records  
Motor Vehicle Division  
S. C. State Highway Department  
Post Office Box 1498  
Columbia, South Carolina 29216

Dear Grady:

You will recall that we, several days ago, wrote Magistrate Edenfield that the record was not sufficient for us to act in accordance with his order granting a new trial in this case.

I have today received a letter from Judge Edenfield indicating that the State was notified of this motion for new trial and was represented at the hearing by State Patrol Corporal C. J. Lawson of Allendale.

Since the State was notified and represented at the hearing, it is my opinion that the Department should honor the new trial order of Judge Edenfield and change its records accordingly if it can be determined that the motion was made within the five-day period certified by statute.

I tried to call Judge Edenfield today by telephone, but there was no answer from his office. There was no answer at Corporal C. J. Lawson's home. Since I am now leaving for two or three days in court, it will be greatly appreciated if you will get the Highway Patrol to check with Judge Edenfield and verify the fact that the new trial motion was made in time.

If this fact is verified, I advise that the Highway Department alter its records in accordance with Judge Edenfield's original order.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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