

SUPREME COURT OF SOUTH CAROLINA

State v. Huntley, 349 S.C. 1

562 S.E.2d 472 (2002) · No. No. 25428 · Decided May 6, 2002

SUMMARY

The Supreme Court of South Carolina held that the original version of Act No. 434, rather than a substantively altered version inserted by the Code Commissioner, governed the defendant's prosecution. The court nevertheless reversed suppression of the breathalyzer results, concluding that the nonconforming simulator solution did not prejudice the defendant and affected the weight rather than the admissibility of the evidence.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	E.C. Burnett, III; Jean H. Toal, C.J.; James E. Moore, J.; John H. Waller, Jr., J.; E.C. Burnett, III, J.; Costa M. Pleicones, J.
JURISDICTION	South Carolina
DECIDED	May 6, 2002
DOCKET	No. 25428
DISPOSITION	reversed
PROCEDURAL POSTURE	The State brought a direct appeal from a pretrial order suppressing the defendant's breathalyzer results in a driving-under-the-influence prosecution.
STANDARD OF REVIEW	De novo review of the legal issue concerning suppression and statutory interpretation; the court reviewed whether exclusion of the breathalyzer evidence was warranted for noncompliance with a statutory testing procedure.
PRECEDENTIAL VALUE	Published opinion; majority holding is precedential under South Carolina law.
PARTIES	State of South Carolina v. James Eugene Huntley

TOPICS

- statutory interpretation
- suppression of evidence
- evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

criminal procedure

DUI

evidence

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Which version of Act No. 434 governed Huntley's prosecution: the original version enacted by the General Assembly or the later version substantively altered by the Code Commissioner?
2. Did the trial court err by suppressing Huntley's breathalyzer results when the operator used a simulator solution with an alcohol concentration different from the statutory level, but the machine operated properly and the defendant showed no prejudice?

HOLDINGS

1. The original version of Act No. 434, as enacted and approved by the Governor, governed Huntley's prosecution because the Code Commissioner lacked authority to make substantive changes to the statute.
2. The trial court erred by suppressing the breathalyzer results. Use of a simulator solution with a different alcohol concentration was a statutory violation that affected the weight, not the admissibility, of the evidence because the machine operated properly and Huntley demonstrated no prejudice.

KEY QUOTATIONS

"The Code Commissioner acted outside his statutory authority in making these substantive changes." (349 S.C. 5)

"Evidence the simulator test was not run in conformity with Act 434 goes to the weight, not the admissibility, of Huntley's breathalyzer results." (349 S.C. 6)

FACTUAL BACKGROUND

Huntley was arrested on May 27, 2000, for driving under the influence. Before administering the breathalyzer test, the operator used a simulator solution containing .10 percent alcohol rather than the .08 percent solution specified in the original version of Act No. 434. The simulator results indicated that the breathalyzer was operating properly, and Huntley conceded that the results were reliable.

PROCEDURAL HISTORY

Huntley was arrested for driving under the influence. After the jury was sworn, he moved to suppress his breathalyzer results because the operator used a simulator solution with a different alcohol concentration from the level specified in Act No. 434. The trial court granted suppression, and the State appealed. The Supreme Court of South Carolina held that the original version of Act No. 434 governed but reversed the suppression order because Huntley failed to show prejudice and the test results were reliable.

DISPOSITION

reversed

CASES CITED

- State v. Parker, 271 S.C. 159, 245 S.E.2d 904 (1978)
- State v. Squires, 311 S.C. 11, 426 S.E.2d 738 (1992)
- State v. Chandler, 267 S.C. 138, 226 S.E.2d 553 (1976)
- State v. McKnight, 287 S.C. 167, 337 S.E.2d 208 (1985)
- State v. Breech, 308 S.C. 356, 417 S.E.2d 873 (1992)

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