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Aug 01 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Florence County  
Honorable Michael G. Nettles, Circuit Court Judge  
Appellate Case No. 2023-001085

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THE STATE,

Appellant,

vs.

TIMOTHY JERMAINE MILLER,

Respondent.

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**MOTION TO WITHDRAW APPEAL**

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Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

A notice of appeal was filed by the State in State v. Timothy Jermaine Miller on July 6, 2023. At present, the State’s appeal in this matter is currently pending before this Court.

**II.**

Upon further review of all relevant materials, the State has elected not to proceed forward with its appeal in this case. Accordingly, pursuant to Rule 260(c) of the South Carolina Appellate Court Rules, the State moves to withdraw its notice of appeal and asks this Court to dismiss the appeal and remand the case to the circuit court. See Rule 260(c), SCACR (“An appeal or other proceeding may be dismissed on motion of the appellant or petitioner upon such terms as may be fixed by the court.”).

**WHEREFORE**, Appellant prays that the Court allow the State to withdraw its previously-filed notice of appeal; dismiss this appeal; remand the matter to the circuit court; and grant such other and further relief as the Court may deem just and proper

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Deputy Attorney General

By: 

Mark R. Farthing  
S.C. Bar Number 76901

ATTORNEYS FOR APPELLANT

August 1, 2023

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**PROOF OF SERVICE**

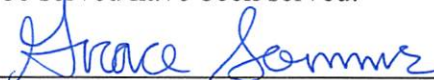
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I, Grace Sommer, certify I have served the within Motion to Withdraw Appeal on Respondent by sending an electronic copy via email to the addresses listed in AIS for the following individuals:

Jacob Taylor Bell, Esq.  
1333 Main Street, Suite 510  
Columbia, South Carolina 29201

Robert M. Dudek, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.  
This 1st day of August, 2023.

  
\_\_\_\_\_  
GRACE SOMMER  
Legal Assistant  
Office of the Attorney General

## Grace Sommer

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**From:** Grace Sommer  
**Sent:** Tuesday, August 1, 2023 1:52 PM  
**To:** taylor@thejeffcoatfirm.com; rdudek@sccid.sc.gov  
**Cc:** Mark Farthing; kwarren@sccid.sc.gov  
**Subject:** The State v. Timothy Jermaine Miller (2023-001085)  
**Attachments:** Miller.Motion to Withdraw Appeal (03351407xD2C78).PDF

Good Afternoon Mr. Bell, Mr. Dudek,

Attached please find a Motion to Withdraw Appeal in The State v. Timothy Jermaine Miller (2023-001085). This motion is being submitted to the South Carolina Court of Appeals via AIS.

If you will, please reply to confirm receipt of this email.

Thank you!

**Grace Sommer**, Legal Assistant  
South Carolina Attorney General's Office  
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