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Aug 07 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Greenville County
The Honorable Alex Kinlaw, Jr., Circuit Court Judge
Appellate Case Tracking Number 2022-001709

The State,

Appellant,

vs.

John Joey Mello,

Respondent.

MOTION TO WITHDRAW APPEAL

The State of South Carolina respectfully shows unto this Court:

After further review of the transcript of the hearing and resulting Order by the Honorable Alex Kinlaw, the State does not believe the Order constitutes a final ruling appealable pursuant to Section 14-3-330 of the South Carolina Code. Because the State believes it is an interlocutory order in the nature of a ruling *in limine* or an advisory opinion, the State does not intend to pursue the appeal. As a result, the State moves, pursuant to Rule 260(c) of the South Carolina Appellate Court Rules to withdraw its notice of appeal and asks this Court to dismiss the appeal and remand the case to the circuit court.

WHEREFORE, the State asks this Court to allow the State to withdraw its notice of appeal; dismiss this appeal; remand the matter to the circuit court; and for any such further relief as the Court determines is appropriate.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Senior Assistant Deputy Attorney General

BY: 

William M. Blitch, Jr.
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Columbia, SC 29211
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August 7, 2023

ATTORNEYS FOR APPELLANT

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PROOF OF SERVICE

I, Caroline Collins, certify that I have served the Motion to Withdraw Appeal on Respondent by email to Respondent's counsel of record, David Alexander, at the email address provided by the Attorney Information System (AIS).

I further certify that all parties required by Rule to be served have been served.

This 7th day of August, 2023.



CAROLINE COLLINS
Administrative Coordinator
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

Caroline Collins

From: Caroline Collins
Sent: Monday, August 7, 2023 5:04 PM
To: Alexander, David
Cc: spollard@sccid.sc.gov; William Blitch
Subject: The State v. John Joey Mello (2022-001709)
Attachments: MELLO John - Motion to Withdraw Appeal - 2022-001709 (03357123xD2C78).PDF

Good Afternoon Mr. Alexander,

Attached please find a Motion to Withdraw Appeal in The State v. John Joey Mello (2022-001709). This motion will be submitted to the South Carolina Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you!

CAROLINE COLLINS, Administrative Coordinator
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