

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Cherokee County
Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case No. 2023-000582

RECEIVED

Aug 14 2023

S.C. SUPREME COURT

RICHARD WAYNE DAVIS,

Respondent,

vs.

THE STATE,

Petitioner.

MOTION TO WITHDRAW APPEAL

Petitioner (“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 Richard Wayne Davis v. State on April 12, 2023. At present, the State’s appeal in this matter is currently pending before this Court.

II.

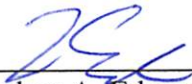
Upon further review of all relevant materials, the State has elected not to proceed forward with its appeal in this case. Accordingly, pursuant to Rule 260(c) of the South Carolina Appellate Court Rules, the State moves to withdraw its notice of appeal and asks this Court to dismiss the appeal and remand 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, Petitioner 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

JOSHUA A. EDWARDS
Assistant Attorney General

By:  _____
Joshua A. Edwards
S.C. Bar Number 101188

ATTORNEYS FOR PETITIONER

August 14, 2023