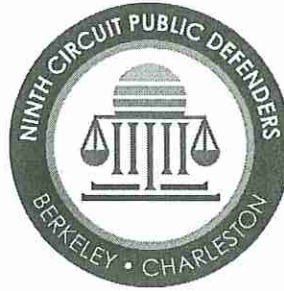


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101 Meeting Street, 5th Floor
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October 27, 2023

Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
Oct 27 2023
SC Court of Appeals

RE: *State of South Carolina v. John Joseph Erb, Petitioner/Defendant*
Warrant No.: 2020A1021000355

Dear Ms. Kitchings,

This is a notice of appeal by Petitioner/Defendant for supersedeas filed with the South Carolina Court of Appeals on October 27, 2023. A sworn jury found John Erb not guilty of an indictment for murder at trial, on September 21, 2023, and the State of South Carolina intends to retry him for the same charge on November 6, 2023, while he remains in jail. John Erb's petition requests from the Court of Appeals a stay of his case before his trial date on November 6, 2023, and a writ of supersedeas to determine whether he is entitled to a writ of habeas corpus based on double jeopardy. Attached are the post-trial final orders by the General Sessions Court denying John Erb's request for habeas corpus, reconsideration, bond, and a continuance of his retrial date on November 6, 2023.

Sincerely,

Benjamin A. Mack
Assistant Public Defender
Attorney for the Petitioner/Defendant

Copied:

The Honorable Bentley J. Price, Circuit Court Judge
Melody Brown, South Carolina Attorney General's Office
Scarlett Wilson, Ninth Circuit Solicitor's Office
Timothy Finch, Ninth Circuit Solicitor's Office
James Milone, Charleston County Clerk of Court

RECEIVED

Oct 27 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM CHARLESTON COUNTY
General Sessions Court

Bentley J. Price, Circuit Court Judge

Case No. 2020A1021000355

THE STATE,

RESPONDENT,

v.


JOHN JOSEPH ERB,

PETITIONER.

PROOF OF SERVICE

The undersigned certifies that a copy of this appeal has been submitted electronically to the parties named here below.

October 27, 2023



Benjamin A. Mack
Senior Assistant Public Defender
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
(843) 958-1850
Attorney for Petitioner

Cc via email:

The Honorable Bentley J. Price, Circuit Court Judge
Melody Brown, South Carolina Attorney General's Office
Scarlett Wilson, Ninth Circuit Solicitor's Office
Timothy Finch, Ninth Circuit Solicitor's Office
James Milone, Charleston County Clerk of Court

Benjamin A. Mack

From: Benjamin A. Mack
Sent: Friday, October 27, 2023 4:26 PM
To: Price, Bentley Secretary (Tamara Walters); Price, Bentley; Price, Bentley Law Clerk (Juliana Beeks)
Cc: Scarlett Wilson; Timothy Finch; mbrown@scag.gov; Cameron J. Blazer; Dudek, Robert; James M. Milone; Courtney Kinowski
Subject: State v. John Erb - 2020A1021000355
Attachments: Erb, John - Petition for Writ of Supersedeas - Filed Charleston.pdf

Hello Judge Price,

Attached is a petition to the South Carolina Court of Appeals for a writ of supersedeas and a stay of John Erb's trial on November 6, 2023. The petition has been filed with the clerk in Charleston, and another copy will be filed with the clerk at the Court of Appeals.

Sincerely,

Ben

--

Benjamin A. Mack
Assistant Public Defender
Charleston County Public Defender's Office
101 Meeting Street, 5th Floor
Charleston, South Carolina 29401
843.958.1884