

The South Carolina Court of Appeals

The People of the State of New York, Respondent,

v.

Timothy Braico and Terrance Edwards, Defendants,

In Re:

The Matter John Thomas Burger, Material Witness,

Of Which John Thomas Burger is the Appellant.

Appellate Case No. 2023-001576

ORDER

On October 3, 2023, the circuit court issued an order granting Respondent's petition to secure Appellant's testimony as a necessary and material witness for trial on or about October 10, 2023. On October 6, 2023, Appellant filed and served a notice of appeal. Appellant did not appear in New York on October 10, 2023, relying upon the automatic stay of orders on appeal pursuant to Rule 241(a) of the South Carolina Appellate Court Rules. Thereafter, Respondent filed a motion to dismiss this appeal. After careful consideration of the motion to dismiss, return, and reply, we dismiss this appeal as moot.



FOR THE COURT

Columbia, South Carolina

cc:

James Mixon Griffin, Esquire

Margaret Nicole Fox, Esquire

Kimberly Lewis Leskanic, Esquire

FILED
Nov 06 2023

Christopher W. Adams, Esquire
Meredith McGowan