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Dec 14 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

APPELLANT,

v.

DELRICO EDMONDS,

RESPONDENT.

Appellate Case No. 2022-001716

MOTION TO WITHDRAW NOTICE OF APPEAL

This is a State's appeal from the grant of a new trial by the Honorable Clifton E. Newman, Circuit Court Judge, after Respondent/Appellee was convicted of murder and possession of a weapon during a violent crime in Richland County and sentenced to 30 years concurrent. Appellant, the State, after careful review, research, and consideration of the record in this case moves to withdraw the Notice of Appeal of the order granting a new trial. This motion is also made after consultation with Assistant Solicitors Dale Scott and Walt Whitmire, the prosecutors who originally filed the Notice of Appeal of the grant of a new trial, and after consultation with the victim's father. Counsel has consulted with opposing counsel David Alexander, Esquire, and he does not oppose the motion to withdraw the Notice of Appeal of the grant of a new trial. After the Notice of Appeal of the grant of a new trial is withdrawn, Defendant/Appellee must be remanded

to the Court of General Sessions for Richland County for a new trial on all charges.

WHEREFORE, based on the above, the Appellant/the State respectfully moves to withdraw the Notice of Appeal of the grant of a new trial in this matter. And, the Defendant/Appellee should be remanded to the Richland County Court of General Sessions for a new trial on all charges.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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December 14, 2023
Columbia, South Carolina

ATTORNEYS FOR APPELLANT

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PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Appellant and legal assistant to J. Anthony Mabry, of counsel for the Appellant, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to Withdraw Notice of Appeal has been forwarded to Respondent's counsel, David Alexander, Esq., via email today, December 14, 2023 to DAlexander@sccid.sc.gov and to his assistant at spollard@sccid.sc.gov.

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

This 14th day of December, 2023.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
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