

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

71483

APPEAL FROM ANDERSON COUNTY
COURT OF COMMON PLEAS

J. Cordell Maddox, Jr., Circuit Court Judge

Case No.: 2013-CP-04-00147

South Carolina Law Enforcement Division.....Respondent,

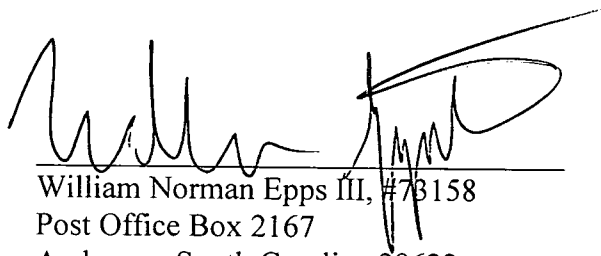
v.

Cas Smith dba Fun City Cyber Café, 22 Computer Type Gaming Devices, Dell Tower, 1 DVR,
and 2 Monitors, 19 Gambling Consoles, 2 Ethernet Switches, 1 Links Home Router, 1 HP
Modem, and 19 SD Cards.....Appellant.

MOTION TO DISMISS

Comes now the undersigned attorney, William N. Epps III, hereby moves to dismiss this appeal. This Motion is based on the grounds that the Appellant, Cas Smith dba Fun City Cyber Café, et al. no longer wishes to proceed with the appeal and requests that it be dismissed. I have spoken with counsel for the Respondent, Adam L. Whitsett and he consents to this appeal being dismissed.

I SO MOVE:

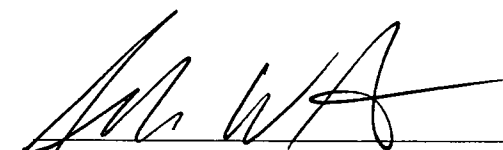


William Norman Epps III, #73158
Post Office Box 2167
Anderson, South Carolina 29622
(864) 224-2111
(864) 224-3536, fax
Attorney for Appellant


February 26, 2014

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WE HEREBY CONSENT:



Adam L. Whitsett, Esquire
S. C. Attorney General's Office
Post Office Box 11549
Columbia, SC 29211
Attorney for Respondent



Jared Q. Libet, Esquire
S. C. Attorney General's Office
Post Office Box 11549
Columbia, SC 29211
Attorney for Respondent

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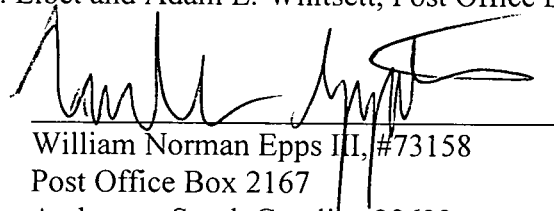
South Carolina Law Enforcement Division.....Respondent,

v.

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Modem, and 19 SD Cards.....Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss on the South Carolina Law Enforcement Division by depositing a copy of it in the United States Mail, postage prepaid, on February 28, 2014, addressed to its attorneys of record, Jared Q. Libet and Adam L. Whitsett, Post Office Box 11549, Columbia, South Carolina 29211.



William Norman Epps III, #73158
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February 28, 2014

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ATTORNEYS AND COUNSELORS AT LAW

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WILLIAM N. EPPS, JR.
SAMANTHA P. NELSON *
WILLIAM N. EPPS, III
*Also Admitted in Georgia

February 28, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: South Carolina Law Enforcement Division v. Cas Smith dba Fun City Cyber Café, 22
Computer Type Gaming Devices, Dell Tower, 1 DVR and 2 Monitors, 19 Gambling
Consoles, 2 Ethernet Switches, 1 Links Home Router, 1 HP Modem, and 19 SD Cards
Case No.: 2013-CP-04-00147
My File No.: CP12-2280

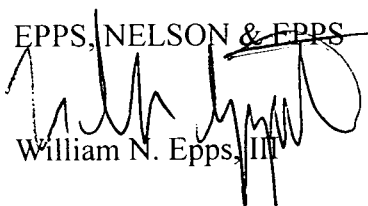
Dear Ms. Kitchings:

Enclosed for filing is Appellant's Motion to Dismiss in the above case. Also enclosed are the
following:

1. Proof of service of the Motion to Dismiss on the Respondent;
2. A filing fee of \$25.00.

With kind regards, I am

Sincerely yours,

~~EPPS, NELSON & EPPS~~

William N. Epps, III

WNEIII:DL

Enclosures

Other Counsel of Record:

Jared Q. Libet, Esquire
S C. Attorney General's Office
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Columbia, SC 29211

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