

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

The State of South Carolina,

v.

Norman B. Dudley

) IN THE COURT OF COMMON PLEAS
) NINTH JUDICIAL CIRCUIT
) C/A #2014-CP-08-00010
) Ticket No.: F594836

RECEIVED

AUG 21 2015

SC Court of Appeals

) **ORDER DISMISSING APPEAL**

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CLERK OF COURT
BERKELEY COUNTY, S.C.

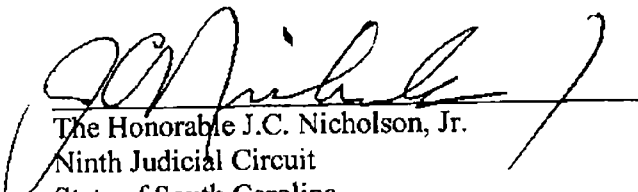
THIS MATTER came before the Court upon the State's Appeal of the Dismissal of Driving Under the Influence (First Offense) handed down by Honorable Edward L. Sessions, Berkeley County Magistrate Judge, on December 3, 2013. The Court issued its Order of Dismissal on that date and the State received notice at that time.

FINDINGS OF FACT

The Court finds upon a review of the record that the State failed to file a timely appeal in this matter having done so January 3, 2014. Section 18-3-30 of the South Carolina Code of Laws governs appeals from criminal matters in Magistrate Court. The statute provides that the notice of appeals from criminal matters in Magistrate Court shall be filed within ten days. It would be a violation of the Equal Protection Clause to not hold the prosecuting agency to the same standard as an accused in the courts of this state.

THEREFORE, IT IS HEREBY ordered that the State's Appeal is hereby dismissed.

AND IT IS ORDERED.


The Honorable J.C. Nicholson, Jr.
Ninth Judicial Circuit
State of South Carolina

cc: CTM
July 3, 2015
Charleston, South Carolina