

# The Supreme Court of South Carolina

Herbert Jerome Erbie, Respondent,

v.

State of South Carolina, Petitioner

Appellate Case No. 2012-212906

The Honorable J. Michael Baxley  
Chesterfield County  
Trial Court Case No. 2011CP1300450

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## ORDER

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It appears that Petitioner, the State of South Carolina, agrees that it has no basis for this appeal and wishes to withdraw and dismiss this matter. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

October 26, 2012

cc:

Robert Cleland FitzSimons

Robert Michael Dudek

Tyson A. Johnson, Sr.