

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal Spartanburg County
Honorable R. Keith Kelly, Circuit Court Judge
Appellate Case No. 2015-000667

RECEIVED
SEP 28 2016
SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

Respondent,

vs.

ANNIE JACKSON (2),

Appellant.

**RESPONDENT'S RETURN TO MOTION TO WITHDRAW RECORD ON APPEAL
FILED ON JULY 8, 2016**

On September 3, 2015, Appellant¹ filed the Final Brief of Appellant and Record on appeal. Subsequently, on January 13, 2016, counsel for Appellant filed a Motion to Dismiss the Appeal, stating he believed there was no good faith basis in law or fact for the appeal. In an order filed June 13, 2016, this Court denied Appellant's motion, finding "Nothing prevents counsel from filing a motion to amend appellant's brief to indicate that the brief is filed pursuant to Anders v. California, 386 U.S. 738 (1967)." On July 8, 2016, Appellant filed a second Record on Appeal. Aside from missing two pages from the original Record on Appeal that noted Appellant's Exhibit #1 and Respondent's Exhibit #1 were to be transported to the Court of Appeals, Appellant's second Record on Appeal appears to be identical to the original Record on Appeal. Upon realizing this fact, Appellant filed a Motion to Withdraw Record on Appeal Filed

¹ Counsel for Appellant was originally Mary Frances Cole. On December 29, 2015, Clay Allen moved to be substituted as counsel for Appellant.


on July 8, 2016. In his motion, counsel for Appellant moved that the duplicative Record on Appeal be withdrawn and disregarded and that the appeal proceed with the Final Brief of Appellant and Record on Appeal originally filed on September 3, 2015.

The State does not perceive any prejudice from Appellant's withdrawal of his second Record on Appeal. The State therefore does not oppose Appellant's motion and leaves the matter in the sound discretion of the Court.

Respectfully submitted,

ALAN WILSON
Attorney General

V. HENRY GUNTER, JR.
Assistant Attorney General

By: 
V. Henry Gunter, Jr.

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

September 28, 2016

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2015-000667

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SEP 28 2016
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

ANNIE JACKSON (2),

APPELLANT.

AFFIDAVIT OF SERVICE

I, Anne Mueller, certify that I have served the Respondent's Return To Motion To Withdraw Record On Appeal Filed On July 8, 2016, on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to attorney of record Clay T. Allen, Esquire, 366 N. Church Street, Suite 3000, Spartanburg, SC 29303.

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

This 28th day of September, 2016.



Anne A. Mueller
Legal Assistant for Respondent

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

September 28, 2016

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29201

RE: State v. Annie Jackson (2)
Appellate Case No. 2015-000667

Dear Ms. Kitchens:

Enclosed for filing in the above matter are the original and six (6) copies of the Respondent's Return To Motion To Withdraw Record On Appeal Filed On July 8, 2016. By copy of this letter to Mr. Allen, I am serving this return on the Appellant.

Sincerely,

V. Henry Gunter, Jr.
Assistant Attorney General
SC Bar No. 102259

VHG/aam
Enclosures

cc: Clay T. Allen, Esquire (with enclosures)
Victim Services