

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal from York County
Honorable Daniel D. Hall, Circuit Court Judge
Appellate Case Tracking No. 2016-00117

RECEIVED
DEC 07 2016
SC Court of Appeals

THE STATE OF SOUTH
CAROLINA,

Appellant,

v.

Robert S. Kuhlkin,

Respondent.

**CONSENT MOTION TO DISMISS APPEAL AND REMIT CASE TO THE
COURT OF GENERAL SESSIONS**

Appellant, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

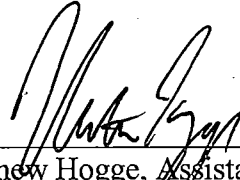
On July 5, 2016, Appellant signed a Consent Motion to Hold Appeal in Abeyance. This motion was consented to by Respondent and received by the Court on August 8, 2016. That motion requested that the Court hold the appeal in abeyance pending the likely resolution of the case within the next five months. The motion was granted by the Court in an order filed September 14, 2016. The Court dismissed the appeal and stated in its order that it would hold the remittitur until the parties notified the Court that the case was resolved.

II.

The parties have now resolved the case.

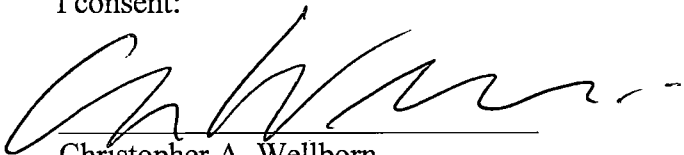
WHEREFORE, Appellant requests that the Court remit the case to the Court of General Sessions for York County so that the indictments can be dismissed.

December 2, 2016



T. Matthew Hogge, Assistant Solicitor
16th Judicial Circuit Solicitor's Office
1675 1-A York Highway
York, South Carolina 29745
Attorney for Appellant

I consent:



Christopher A. Wellborn
142 Oakland Avenue
Rock Hill, SC 29730

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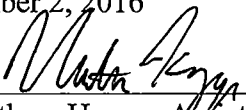
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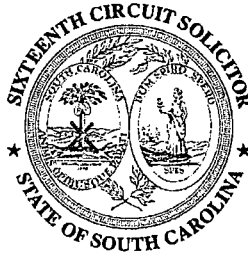
PROOF OF SERVICE

I hereby certify that I have served a copy of the foregoing Consent Motion to Dismiss Appeal and Remit Case to the Court of General Sessions in the above-referenced matter upon Christopher Wellborn by hand delivery in accordance with the provisions of Rule 262(b) of the South Carolina Appellate Court Rules.

Served this day,
December 2, 2016



T. Matthew Hogge, Assistant Solicitor
16th Judicial Circuit Solicitor's Office
1675 1-A York Highway
York, South Carolina 29745
Attorney for Appellant



KEVIN S. BRACKETT
SOLICITOR

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SC Court of Appeals

December 2, 2016

VIA FIRST CLASS MAIL

Hon. Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: *State v. Robert S. Kuhlkin*, Appellate Case Tracking No. 2016-00117

Dear Ms. Kitchings:

Please find enclosed the original copies of Appellant's Consent Motion to Dismiss Appeal and Remit Case to the Court of General Sessions and an accompanying Proof of Service in the above-referenced matter.

Sincerely,

T. Matthew Hogge
Assistant Solicitor

enclosures as stated


cc: Christopher Wellborn (*via US Mail*)
J. Benjamin Aplin, Senior Assistant Deputy Attorney General (*via email*)

JK **KEVIN S. BRACKETT**
SOLICITOR
SIXTEENTH JUDICIAL CIRCUIT
MOSS JUSTICE CENTER
1675-1A YORK HIGHWAY
YORK, SOUTH CAROLINA 29745-7422

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