

**THE STATE OF SOUTH CAROLINA  
In the Court of Appeals**

**APPEAL FROM ANDERSON COUNTY  
Court of General Sessions**

**R. Scott Sprouse, Circuit Court Judge**

**Case No. 2017-GS-04-00395  
Case No. 2017-GS-04-00396  
Case No. 2017-GS-04-00397**

**RECEIVED**  
MAY 30 2017  
SC Court of Appeals

**The State, ..... Respondent,**

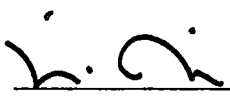
**v.**

**Wesley Charles Malmister, ..... Appellant.**

**NOTICE OF WITHDRAWAL OF APPEAL**

Wesley Charles Malmister appealed his sentence in this case that was imposed by the Honorable R. Scott Sprouse on May 16, 2017. However, Wesley Charles Malmister subsequently filed a Motion to Reconsider with the Anderson County Clerk of Court on May 22, 2017. Therefore, in accordance with Rules 203(b)(2) and 205 of the South Carolina Appellate Court Rules, the Notice of Appeal in this case should be withdrawn pending a resolution of the Motion to Reconsider with the trial court. This Notice of Withdrawal of Appeal should be without prejudice to Charles Wesley Malmister and a subsequent Notice of Appeal should be allowed to be filed, if necessary, after a ruling from the trial court on the Motion to Reconsider.

May 26, 2017

  
**William E. Phillips**  
**PO Box 4210**  
**Anderson, SC 29622**  
**(864) 231-7333**  
**Attorney for Appellant**

**ORIGINAL**

Other Counsel of Record:

Lucas C. Marchant  
Assistant Solicitor  
PO Box 8002  
Anderson, SC 29622

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Case No. 2017-GS-04-00397**

**The State, ..... Respondent,**

**v.**

**Wesley Charles Malmister, ..... Appellant.**

**PROOF OF SERVICE**

I certify that I have served the Notice of Withdrawal of Appeal on the Respondent by depositing a copy of the same in the United States Mail, postage prepaid, to Lucas C. Marchant, Assistant Solicitor, PO Box 8002, Anderson, SC 29622.

May 26, 2016



**William E. Phillips  
PO Box 4210  
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Attorney for Appellant**

**ORIGINAL**

**WILLIAM E. PHILLIPS**  
Attorney at Law

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May 26, 2017

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MAY 30 2017

SC Court of Appeals

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

**RE: State v. Wesley Charles Malmister, Case Nos. 2017-GS-04-395, 396 and 397**

Dear Ms. Kitchings:

Please find enclosed an original Notice of Withdrawal of Appeal and one (1) copy and an original Proof of Service and one (1) copy in the above-captioned case. Please file the originals and return clocked copies to me in the enclosed self-addressed stamped envelope.

Sincerely,



William E. Phillips

WEP/cfp  
Enclosures

xc: Lucas C. Marchant (w/enclosures)  
Assistant Solicitor  
PO Box 8002  
Anderson, SC 29622

William E. Phillips  
Attorney at Law  
PO Box 4210  
Anderson, SC 29622



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

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MAY 30 2017

SC Court of Appeals

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