

(5)  
STATE OF SOUTH )  
CAROLINA )  
SPARTANBURG COUNTY )  
TOBY MOORE, #350242 )  
V. )  
STATE OF SOUTH )  
CAROLINA )  
RESPONDENT )

IN THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

CA.NO.: 2014-CP-42-02768

PRO-SE

MOTION TO REMAND BACK  
TO LOWER COURT

SCACR 240 (a),(c)

**RECEIVED**

JUL 10 2017

S.C. SUPREME COURT

**RECEIVED**

JUL 05 2017

SC Court of Appeals

COURT OF COMMON PLEAS  
SPARTANBURG COUNTY

On June 19, 2017, The McCormick Mailroom received a copy of an Order of Dismissal from Applicant's Attorney Leah B. Moody, Applicant Toby Moore received Order June 20, 2017. Applicant filed a "Timely" motion to Alter/Amend Judgement pursuant to SCRCF 59(e) under the fact that the Honorable Judge R.Farrell Cothran Jr., "did not" rule on Applicant was denied and deprived Due Process and Equal Protection of the Law under the 5th,6th and 14th Amendments of the United States Constitution, Article One Section Three of the South Carolina Constitution, As well as all other Federal and State Constitutions, Statutes, Laws and applicable citings.

CONCLUSION

Based on the foregoing, I humbly pray that this Honorable Court Remand My Case back to the Lower Court, pending a ruling on Motion to Alter/Amend Judgement pursuant to SCRCF 59(e), also pursuant to Marlars V. State, 653 S.E.2d 266.

AFFIDAVIT OF SERVICE

I Toby Moore certify that on this 3<sup>rd</sup> day of July, 2017 that I served a copy of attached Motion to Remand Back to Lower Court on the below listed individual by delivering a copy of same to the McCormick Correction Mailroom, mailed United States Postal Service, prepaid and addressed as follows:

The Honorable Jenny Kitchings  
Clerk, Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

JUL 10 2017

S.C. SUPREME COURT

Sworn to and subscribed

Before me this 03 day of July, 2017

JC Franklin  
Notary Public of South Carolina

Toby Moore  
Toby Moore, #350242  
f1-120-b, MCI  
386 Redemption Way  
McCormick, SC 29899

My Commission Expires: 12-16-2019

**RECEIVED**

JUL 05 2017

SC Court of Appeals

STATE OF SOUTH )  
 CAROLINA )  
 SPARTANBURG COUNTY )  
 TOBY MOORE, #350242 )  
 APPELLATE )  
 V. )  
 STATE OF SOUTH )  
 CAROLINA )  
RESPONDENT

IN THE STATE OF SOUTH CAROLINA  
 IN THE SUPREME COURT  
 CA.NO.: 2014-CP-42-02768  
 PRO-SE  
 MOTION TO HOLD APPEAL IN  
 ABEYANCE  
 SCACR RULE 240 (a),(c)

**RECEIVED**  
 JUL 10 2017  
 S.C. SUPREME COURT

**RECEIVED**  
 JUL 05 2017  
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COURT OF COMMON PLEAS  
 SPARTANBURG COUNTY

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CONCLUSION

Based on the foregoing, I humbly pray that this Honorable Court Hold my Appeal in Abeyance and Remand my case back to the Lower Court, pending a ruling on Motion to Alter/Amend Judgement pursuant to SCRPC 59(e), also pursuant to Marljar V. State, 653 S.E.2d 266.

AFFIDAVIT OF SERVICE

I Toby Moore certify that on this 3<sup>rd</sup> day of July, 2017 that I served a copy of attached Motion to Hold Appeal in Abeyance on the below listed Individual by delivering a copy of same to the McCormick Correction Mailroom, mailed United States Postal Service, prepaid and addressed as follows:

**RECEIVED**

JUL 10 2017

S.C. SUPREME COURT

The Honorable Jenny Kitchings  
Clerk, Court of Appeals

P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**

JUL 05 2017

SC Court of Appeals

Sworn to and subscribed  
before me this 03 day of July, 2017

J. Franklin  
Notary Public of South Carolina

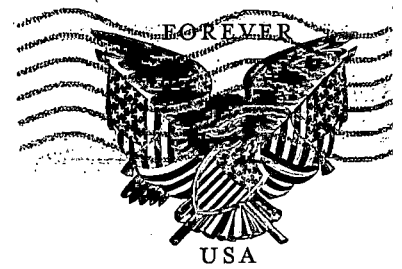
My Commission Expires: 12-16-2019

Toby Moore  
Toby Moore, #350242  
f1-120-b, MCI  
386 Redemption Way  
McCormick, SC 29899

Toby Moore #350242  
FI-172-B-MCJ  
386 Redemption Way  
McLormick, SC 29899

AUGUSTA GA 309

03 JUL 2017 PM 2 T



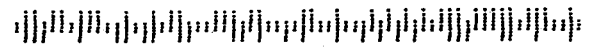
Attn: The Honorable Jenny Kitchings  
Clerk, Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RECEIVED

JUL 05 2017

SC Court of Appeals

2921181824





THE DEPARTMENT OF CORRECTIONS HAS NOT  
INSPECTED OR RECEIVED THIS ITEM THEREFORE  
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY  
FOR ITS CONTENTS.

McCOMBICK CORRECTIONS UNIT  
DEPARTMENT OF CORRECTIONS

JUL 03 2017  
MAIL ROOM