

THE STATE OF SOUTH CAROLINA  
In the Appellate Court

APPEAL FROM GREENVILLE COUNTY  
Court of General Sessions

Alexander Stephens Macaulay, Circuit Court Judge

FILED-CLERK OF COURT  
PAUL S. JACKSON/MSR  
GREENVILLE CO., SC  
2017 OCT 19 AM 11:18

Warrant No.: 2016A2320600511  
Appellate Case No.: 2017-002072

The State,  
Michael J. Branch

v.

RECEIVED  
OCT 23 2017  
SC Court of Appeals

Respondent.  
Appellant.

MOTION TO WITHDRAW NOTICE OF APPEAL WITHOUT PREJUDICE

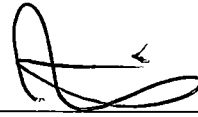
COMES NOW, Michael James Branch Jr., by and through his undersigned counsel, and respectfully moves this Honorable Court to permit him to withdraw his Notice of Appeal without prejudice.

On April 13, 2017, Mr. Branch plead guilty to Failure to Return Rental Property, Value More than \$2,000.00 but Less than \$10,000.00 (Enhancement). The Honorable Perry H. Gravely sentenced Mr. Branch to six years, provided upon the service of nine months, the balance suspended with probation for three years. Judge Gravely ordered that a restitution hearing be held within ninety days and noted this on Mr. Branch's sentencing sheet.

On September 19, 2017, a restitution hearing was held in this case. The Honorable Alexander Stephens Macaulay imposed restitution in the amount of \$3,864.00, and signed an Order of Restitution that same day. Undersigned counsel never received written notice of entry of this order. However, the Order of Restitution was filed with the Greenville County Clerk of Court on September 22, 2017.

On September 29, 2017, Mr. Branch filed a timely Motion to Reconsider Ruling at Restitution Hearing under Rule 29(a), SCRCrimP. Mr. Branch subsequently filed a Notice of Appeal on October 3, 2017. As his motion to reconsider is still pending at this time, Mr. Branch moves to withdraw his Notice of Appeal without prejudice. Mr. Branch will file a Notice of Appeal when he receives written notice of entry of an order regarding his motion to reconsider.

Date: October 19, 2017



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Jacob Goldstein, Esq.  
Greenville County Courthouse  
Greenville, SC 29601  
Attorney for Appellant

Other Counsel of Record:

Katriesa Crummie, Esq.

Jeff Weston, Esq.

Assistant Solicitor

13th Circuit Solicitor's Office

305 E. North Street, Suite 325

Greenville, SC 29601

Attorney for Respondent

THE STATE OF SOUTH CAROLINA  
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PROOF OF SERVICE

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I certify that I have served the Motion to Withdraw Notice of Appeal Without Prejudice on the below listed respondents by depositing a copy of it in the United States Mail, postage prepaid, on October 19, 2017, addressed to:

Jeff Weston, Esq.  
305 E. North Street  
Suite 325  
Greenville, SC 29601-2185

Alan Wilson, Esq.  
Attorney General  
P.O. Box 11549  
Columbia, SC 29211

Date: October 19, 2017

  
\_\_\_\_\_

Jacob Goldstein, Esq.  
Greenville County Courthouse  
Greenville, SC 29601  
Attorney for Appellant

**OFFICE OF THE PUBLIC DEFENDER**

**13<sup>th</sup> JUDICIAL CIRCUIT**

**Greenville County Courthouse**

**305 East North Street (Rm 123)**

**GREENVILLE, SOUTH CAROLINA 29601**

John I. Mauldin  
Public Defender

TEL (864) 467-8522  
FAX (864) 467-8521

October 19, 2017

**Via Regular Mail**

The Honorable Jenny Abbott Kitchings  
Clerk, The S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29201

**RECEIVED**

OCT 23 2017

SC Court of Appeals


**Re: State v. Michael J. Branch**  
Case No(s): **2016A2320600511**  
Appellate Case No.: **2017-002072**

Dear Ms. Kitchings:

Enclosed you will find Mr. Branch's Motion to Withdraw Notice of Appeal Without Prejudice in the above matter, along with Proof of Service upon the Respondents.

Thank you for your attention to this matter.

Yours very truly,



---

Jacob Goldstein, Esq.  
Greenville County Courthouse  
Greenville, SC 29601  
Attorney for Appellant

Enclosure

cc: Office of the Thirteenth Circuit Solicitor  
Office of the Attorney General  
Office of Appellate Defense

CERTIFIED MAIL



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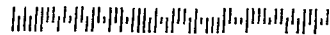
13th Circuit Public Defender

Greenville County Courthouse  
305 E. North Street, Suite 123  
Greenville, SC 29601

SG

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10/23/17