

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

RECEIVED

FEB 26 2018

**APPEAL FROM RICHLAND COUNTY
The Honorable Robert E. Hood, Circuit Court Judge**

SC Court of App.

Appellate Case No. 2017-000921

THE STATE,RESPONDENT,

v.

MACK WELLS,APPELLANT.

MOTION TO WITHDRAW APPEAL

Appellant, Mack C. Wells, by any through his attorney J. Todd Rutherford, herewith moves this honourable Court to Withdraw his Appeal. On April 6, 2017, the defendant Mack Wells pled guilty to PWID Crack Cocaine and received a probationary sentence. The defendant timely appealed his conviction, but then filed a Motion to Stay that appeal which this Court granted in order to allow the defendant the opportunity to have his Motion for a New Trial heard in General Sessions Court.

The Motion for a New Trial based on after-discovered evidence was scheduled for February 12th, but at that time Defendant withdrew its motion. Appellant's post-trial motion is now resolved thus rendering this appeal moot.

WHEREFORE, we respectfully request this Motion to Withdraw be Granted.

Respectfully submitted,



J. TODD RUTHERFORD, ESQ

SC Bar #12097

The Rutherford Law Firm, LLC

Post Office Box 1452

Columbia, SC 29202

(803)256-3003

Todd@therutherfordlawfirm.com

ATTORNEY FOR APPELLANT

Columbia, South Carolina
February 22, 2018

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PROOF OF SERVICE

I, J. Todd Rutherford, certify that I have served the within *Motion to Withdraw Appeal* on the Respondent by depositing three copies in the United States Mail, postage prepaid, on February 22nd, 2018, addressed to 1000 Assembly street, Room 519, Columbia, South Carolina 29201.

Respectfully submitted,



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ATTORNEY FOR APPELLANT

cc: Alan McCrory Wilson, Esquire
John Benjamin Aplin, Esquire
Robert Michael Dudek, Esquire

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J. TODD RUTHERFORD
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TELEPHONE: (803) 256-3003
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February 22, 2018

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

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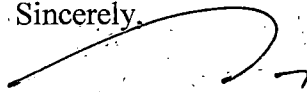
RE: The State v. Mack C. Wells
Appellate Case No. 2017-000921

Dear Ms. Kitchings:

Enclosed for filing in the above matter are the following:

- (1) Original plus six (6) copies of the *Motion to Withdraw Appeal*
- (2) Proof of Service of the above items to Respondents.

Sincerely,

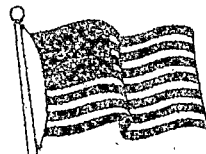


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