

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Appeal from Colleton County

RECEIVED

Thomas A. Russo, Circuit Court Judge

MAY 07 2018

S.C. SUPREME COURT

RAYMOND POWELL,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-000062

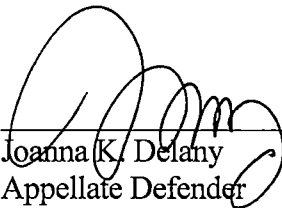
MOTION TO DISMISS

Counsel for Raymond Powell respectfully requests that this Court dismiss Petitioner's appeal so that a proper order of dismissal can be signed by the PCR court.

Petitioner filed an application for post-conviction relief, and a hearing was held before the Honorable Thomas Russo on October 10, 2017. At the conclusion of the hearing, the court denied Petitioner relief. Inadvertently, opposing counsel's predecessor, Ruston Neely, sent a proposed order of dismissal to the Honorable R. Scott Sprouse. Judge Sprouse signed the order of dismissal, and Petitioner's PCR counsel filed a notice of appeal. Subsequently, opposing counsel realized the wrong judge signed the order of dismissal.

Opposing counsel, Christian Saville, of the Office of the Attorney General, as evidenced by his signature below, consents to the dismissal so that the judge who heard the PCR case, the Honorable Thomas Russo, can sign a proper order of dismissal. James Falk, Petitioner's PCR counsel, will file a notice of intent to appeal once he receives an order of dismissal signed by the correct judge.

WHEREFORE, counsel respectfully requests that this Court dismiss Petitioner's appeal so that a proper order of dismissal can be signed by the PCR court.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR PETITIONER

May 7, 2018

I consent:



Christian Saville, Esquire

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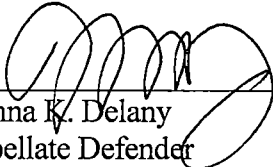
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CERTIFICATE OF SERVICE

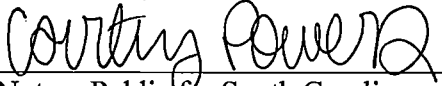
The undersigned attorney hereby certifies that a true copy of the Motion to Dismiss in the above referenced case has been served upon Christian Saville, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 7th day of May, 2018.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 7th day of May, 2018.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: May 2, 2027.