

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

Case No. 2017-CP-10-06358
Appellate Case No: 2018-001549

City of North Charleston,

Respondent,

v.

Mark Lynn Wortman,

Appellant.

MOTION TO WITHDRAW APPEAL


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SC Court of Appeals

The Appellant above named, by and through the undersigned attorney, hereby moves pursuant to Rule 260(c) of the South Carolina Rules of Appellant Procedures, for an order allowing Appellant to withdraw the appeal in the above-captioned matter as no final judgment has been rendered in this action, and therefore, Appellant is under information and belief that all issues herein are interlocutory. This motion is supported by the Order of the lower court, a copy of which is attached hereto.

Respectfully submitted,



L. Scott Harvin
Post Office Box 139
Walterboro, SC 29488
(843)549-6432
Attorney for Appellant

Samantha Vaughn, Esquire
City of North Charleston
2500 City Hall Lane
North Charleston, SC 29406
(843)740-2556
Attorney for Respondent

cc: Minn Court

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 17-CP-10-06358

Mark Lynn WORTMAN,
Appellant)
-versus-)
City of North Charleston,
Respondent)

ORDER FOR REMAND TO MUNICIPAL
COURT FOR TRIAL BY JURY

FILED
2018 JUL 18 PM 4:18
JUDICIAL BRANCH
COURT

This matter came before me on the 30th day of March, 2018, for a hearing regarding the appeal of the denial of a motion to enforce a plea agreement and the denial of a motion for dismissal by the Judge Samuel Coleman in the Municipal Court of North Charleston on August 10, 2017. This was the only issue brought by appeal.

FINDINGS OF FACT

- 1. The language in the emails submitted by Appellant is not clear and unambiguous that would support an outright dismissal of a DUI.

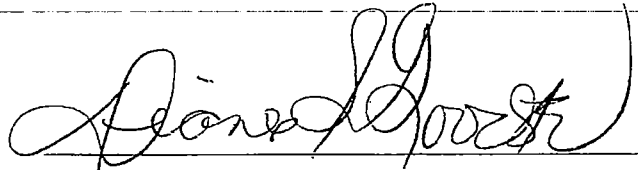
CONCLUSIONS OF LAW

- 1. The ruling of the trial Judge in regards to the denial of the Appellant's motion for enforcement of a plea agreement and denial of the Appellant's motion for dismissal was correct and is AFFIRMED.

NOW, therefore, it is hereby Ordered, Adjudged and Decreed that:

This case be REMANDED to the Municipal Court of North Charleston for a TRIAL BY JURY,
as requested by the Appellant.

It is so Ordered!



Hon. Diane S. Goodstein

Judge of the Court of Common Pleas

This 14 day of July, 2018.

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
CITY OF NORTH CHARLESTON,)
)
Respondent,)
)
-vs-)
)
MARK LYNN WORTMAN,)
)
Appellant.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
Case Number: 2017-CP-10-06358
FROM THE MUNICIPAL COURT FOR
THE CITY OF NORTH CHARLESTON
TICKET NO. 58769HA

CERTIFICATE OF SERVICE

The undersigned, hereby certifies that on this 28th day of August, 2018, copies of the foregoing **Motion to Withdraw Appeal** was mailed by United States Mail, by first-class mail, postage prepaid, to:

Samantha Vaughn, Esquire
City of North Charleston
2500 City Hall Lane
North Charleston, SC 29406

Amber D Gantt

Amber D. Gantt
Legal Assistant to L. Scott Harvin
HETRICK, HARVIN & BONDS
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8/28, 2018
Walterboro, South Carolina

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AUG 30 2018

SC Court of Appeals

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JOHN R. HETRICK
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(843) 549-6432
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August ²⁸~~21~~, 2018

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

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SC Court of Appeals

RE: City of North Charleston, Respondent, v. Mark Lynn Wortman, Appellant,
Case No. 2017-CP-10-06358
Appellate Case No.: 2018-001549

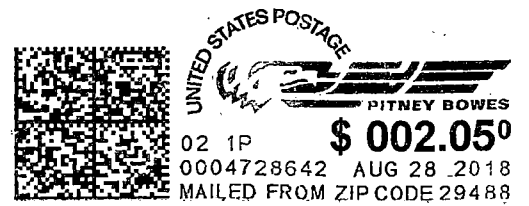
Dear Ms. Kitchings :

Enclosed for filing is a motion to withdraw appeal in the above case.

Sincerely,

L. Scott Harvin
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843-549-6432
Attorney for Appellant

cc: Samantha Vaughn, Esquire
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