

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Paul M. Burch, Circuit Court Judge

Appellate Case No. 2018-000144
Circuit Court Case No. 2002-GS-10-7745

RECEIVED
JAN 18 2019
SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

ANTWON D. GOODWIN,

APPELLANT.

RETURN TO MOTION TO DISMISS APPEAL AS UNTIMELY

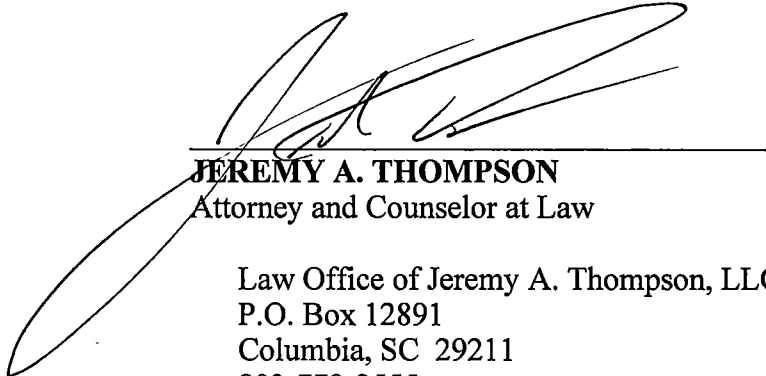
NOW COMES the Appellant in the above-captioned action, acting by and through undersigned counsel, hereby filing this Return to the Respondent's motion to dismiss the Appellant's motion as untimely. The Appellant respectfully requests that this Court deny the Respondent's motion. In support of this position, the Appellant would show unto this Honorable Court the following:

In its motion, the Respondent argued that the Appellant's appeal should be dismissed because the Appellant did not timely file post-trial motions and thus his notice of appeal is also untimely. This issue is argued at length in both the Appellant's brief and the Respondent's brief. See Initial Brief of Appellant at 8-12; Initial Brief of Respondent at 6-13. The Appellant

incorporates by reference the reasoning set forth in his brief as to why this appeal should be found untimely. In essence, the Appellant contends that the trial court understood the Appellant to have made timely post-trial motions and he reserved his right to hear those motions whenever he reconvened this matter. Consequently, since post-trial motions were made and were ruled upon by the trial court, albeit several years later, then this appeal is timely. Accordingly, the Appellant would respectfully request that this Court deny the Respondent's motion to dismiss.

WHEREFORE, having set forth his grounds, the Appellant requests that the Respondent's motion to dismiss be denied.

Respectfully submitted,



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Attorney and Counselor at Law

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ATTORNEYS FOR APPELLANT.

This 16th day of January, 2019.

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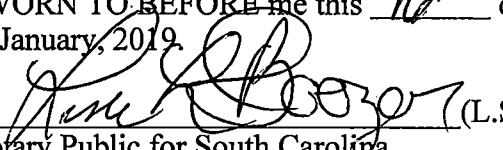
APPELLANT.

CERTIFICATE OF SERVICE

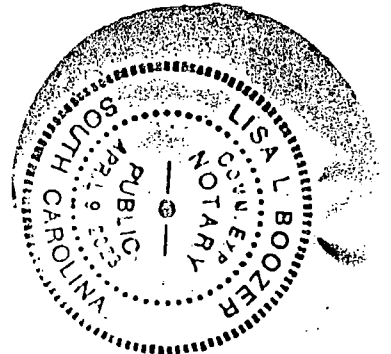
The undersigned hereby certifies that one copy of the Return to Motion to Dismiss Appeal as Untimely in the above-entitled case has been served upon opposing counsel, Melody J. Brown, Senior Assistant Deputy Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211, by depositing in the U.S. mail with proper postage, this 16th day of January, 2019


JEREMY A. THOMPSON
ATTORNEY FOR THE APPELLANT

SWORN TO BEFORE me this 16th day
of January, 2019.


(L.S.)
Notary Public for South Carolina
My Commission Expires: _____

LISA L. BOOZER
Notary Public - State of South Carolina
My Commission Expires April 9, 2023





LAW OFFICE OF
JEREMY A. THOMPSON
LLC

January 16, 2019

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

RECEIVED
JAN 18 2019
SC Court of Appeals

RE: State of South Carolina v. Antwon D. Goodwin; 2018-000144

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of the Return to Motion to Dismiss Appeal as Untimely in the above-named matter. I would appreciate your filing the original and six copies, clocking the remaining copy, and returning the clocked copy to me in the enclosed self-addressed, stamped envelope. With my thanks for the Court's assistance in this matter, and my best regards, I am,

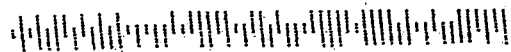
Yours sincerely,


Jeremy A. Thompson
Attorney and Counselor at Law

JAT/
Enclosures

cc: Melody Jane Brown, Senior Assistant Attorney General (w/ enclosure)
Tricia A. Blanchette, Esquire (w/ enclosure)
Antwon D. Goodwin, #249157 (w/ enclosure)
Marshay Spencer (w/ enclosure)

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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