



# The Supreme Court of South Carolina

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May 24, 2019

The Honorable Julie J. Armstrong  
100 Broad St Ste 106  
Charleston SC 29401-2210

## REMITTITUR

Re: The State v. Devin Johnson  
Lower Court Case No. 2018GS1006264  
Appellate Case No. 2019-000844

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc: Office of the Attorney General  
John Joseph Kozelski, III, Esquire  
Stephanie Bianco Linder, Esquire

# The Supreme Court of South Carolina

The State, Petitioner

v.

Devin Johnson, Respondent.

Appellate Case No. 2019-000844

Lower Court Case No. 2018GS1006264

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## ORDER

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Counsel for the petitioner moves to dismiss this appeal and states that a motion for a new trial is pending before the court of general sessions. Further, because a hearing on the motion for a new trial has been scheduled for May 29, 2019, counsel asks that the remittitur be sent immediately.

Since it appears that the motion for a new trial is timely, this appeal is dismissed without prejudice to appellant's ability to appeal once the court of general sessions rules on the motion for a new trial. Rule 203(b)(2) of the South Carolina Appellate Court Rules (time to appeal is stayed by the filing of a timely motion under Rule 29 of the South Carolina Rules of Criminal Procedure); *see also Hudson v. Hudson*, 290 S.C. 215, 349 S.E.2d 341(1986) (appeal to be dismissed without prejudice if a timely post-trial motion has been filed). Further, the Clerk of this Court is directed to immediately send the remittitur to the court of general sessions.



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FOR THE COURT

C.J.

Columbia, South Carolina  
May 24, 2019

cc: Office of the Attorney General  
John Joseph Kozelski, III, Esquire  
Stephanie Bianco Linder, Esquire  
The Honorable Julie J. Armstrong