

THE STATE OF SOUTH CAROLINA  
In the Court of Appeal

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas  
Post-Conviction Relief

R. Scott Sprouse, Circuit Court Judge

Case No.: 2017-CP-02-0129  
Appellate Case No.: 2018-001674

**RECEIVED**  
**Jul 09 2020**  
**SC Court of Appeals**

John Upson #229134, ....., Respondent

v.

State of South Carolina, .....Petitioner,

NOTICE OF WITHDRAWAL OF MOTION AND AMENDED MOTION

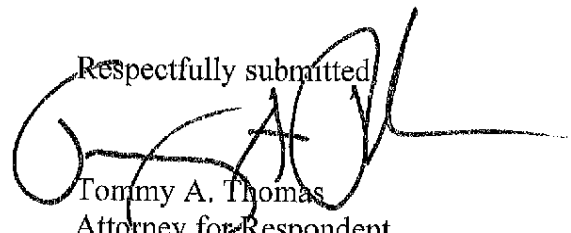
That on June 26, 2020 a Motion for a Request for Guidance Regarding Scrivener's Error and Motion to Temporarily Hold the Appeal in Abeyance and to Remand to the Lower Court to Specifically address the Issue of the Scrivener's Error was filed with the Court. On June 30, 2020, an Amended Motion for a Request for Guidance Regarding Scrivener's Error and Motion to Temporarily Hold the Appeal in Abeyance and to Remand to the Lower Court to Specifically address the Issue of the Scrivener's Error was faxed to the Court of Appeals for filing.

These Motions were served on Mark R. Farthing, Esq., Office of the Attorney General on June 26 and June 30, 2020.

That no responsive pleadings have been filed.

That upon further review of the Record on Appeal the Respondent is informed and believe that this Motion is not appropriate at this time, and as such withdraw this Motion.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Tommy A. Thomas', written over the typed name.

Tommy A. Thomas  
Attorney for Respondent  
P.O. Box 88  
Irmo, SC 29063  
(803) 732-5507

July 9, 2020

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

CASE NO.: 2018-001674

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**Jul 09 2020**

**SC Court of Appeals**

JOHN UPSON,..... Respondent,

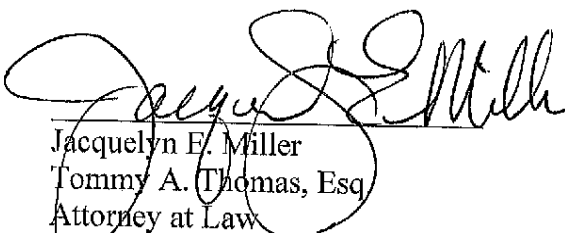
vs.

THE STATE,..... Petitioner.

**CERTIFICATE OF SERVICE**

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Esq., certify that I have served a copy of a Notice of Withdrawal of Motion and Amended Motion by emailing to:

Mark R. Farthing, Esq.  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211-1549  
mfarthing@scag.gov



Jacquelyn E. Miller  
Tommy A. Thomas, Esq  
Attorney at Law  
7588 Woodrow Street  
P.O. Box 88  
Irmo, S.C. 29063  
(803) 732-5507

July 9, 2020

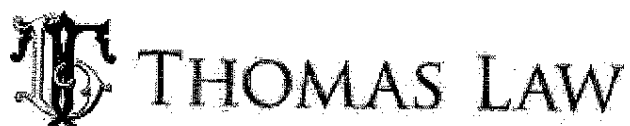
**Jackie Miller**

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**From:** Jackie Miller  
**Sent:** Thursday, July 9, 2020 3:37 PM  
**To:** Mark Farthing  
**Subject:** John Upson v. State  
**Attachments:** John Upson withdraw.pdf

**Jackie Miller**

Paralegal to Tommy Thomas, Esq.



**Tommy A. Thomas, PC**

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[Website](#)

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**Jul 09 2020**

**SC Court of Appeals**



July 9, 2020

VIA FACSIMILE

V. Clare Allen, Deputy Clerk  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

FAX NO.: 803-734-1839

RE: John Upson #229134 v. State  
Appellate Case No.: 2018-001674

**RECEIVED**

**Jul 09 2020**

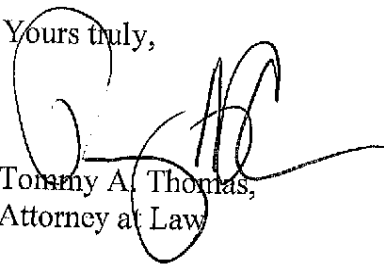
**SC Court of Appeals**

Dear Sir or Madam:

Attached please find a Notice of Withdrawal of Motion and Amended Motion and a Certificate of Service by email for filing in the above referenced matter.

Thank you. Should you have any questions, or need any additional information, please do not hesitate to contact me.

Yours truly,



Tommy A. Thomas,  
Attorney at Law

TAT/jem  
cc: Mark R. Farthing, Esq.  
John Upson #229134