



ALAN WILSON
ATTORNEY GENERAL

July 9, 2020

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SC Court of Appeals

Submitted By Electronic Filing

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

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

Dear Ms. Kitchings:

In the above-referenced post-conviction relief appeal, Respondent John Upson served and filed a motion entitled “Amended 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” on June 26, 2020, along with an amended version of the same motion on June 30, 2020. At present, the State’s return would be due to be served and filed on July 10, 2020.

Earlier today, Respondent served and filed a document entitled “Notice of Withdrawal of Motion and Amended Motion” in which he indicated he wished to withdraw the motions filed on June 26, 2020, and June 30, 2020. Please be advised the State has no objection to Respondent’s request to withdraw those motions. However, I respectfully ask this Court to hold the State’s time for filing its return in abeyance until Respondent’s request for withdrawal is acted upon by this Court. Thanks, and please let me know if you have any questions or need any additional information.

Sincerely,

Mark R. Farthing
Senior Assistant Attorney General
S.C. Bar Number 76901

MRF/

cc: Tommy A. Thomas, Esquire (via email to thomaslaw@me.com)
Victim Advocacy Division

From: Mark Farthing
To: ["thomaslaw@me.com"](mailto:thomaslaw@me.com)
Subject: Upson v. State -- Letter Regarding Notice of Withdrawal
Date: Thursday, July 9, 2020 4:49:00 PM
Attachments: [Upson.Letter Regarding Notice of Withdrawal \(02322819xD2C78\).pdf](#)

Mr. Thomas,

Please see the attached letter, which is being filed today with the Court of Appeals in the Upson v. State appeal. Thanks.

Sincerely,
Mark



Mark R. Farthing
Senior Assistant Attorney General

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