

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Kristi L. Harrington, Circuit Court Judge

Case No. 2011-CP-10-3207

City of Charleston,.....Respondent,

v.

Jacob A. Stone,.....Appellant.

JOINT MOTION TO REMAND FOR PURPOSE OF ENTERING PLEA
AND TO HOLD APPEAL IN ABEYANCE FOR THE SAME

THOMAS J. RODE

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ATTORNEY FOR APPELLANT

RECORDED

APR 26 2013

SC Court of Appeals

BACKGROUND

On January 30, 2010, the Appellant, Jacob A. Stone, was charged with Driving Under the Influence (DUI) by the City of Charleston Police Department. In February, 2011 the Honorable Joseph Mendelsohn granted Appellant's Motion to dismiss on double jeopardy grounds. The City (Respondent) appealed to Court of Common Pleas which reversed Judge Mendelsohn's ruling and remanded the matter to the Municipal Court (trial court) on January 3, 2012. Appellant timely filed a motion to reconsider which the Circuit Court denied. This appeal follows.

REQUEST TO REMAND AND HOLD IN ABEYANCE

COMES NOW BOTH THE APPELLANT AND RESPONDENT who state:

THAT this matter has been in the Courts of this State for nearly three years.

THAT all parties to this matter have determined that it is in their individual interest to resolve this matter expeditiously.

THAT the parties to this matter have come to an agreement as to a proposed plea arrangement that is acceptable to all parties.

THAT this plea arrangement would provide finality to the matter and serve the interest of judicial economy.

THEREFORE BOTH THE APPELLANT AND RESPONDENT requests this Court ORDER:

THAT this matter be Remanded to the Municipal Court for the limited purpose of providing the Municipal Court with Jurisdiction to accept the proposed plea arrangement.


THAT the Court of Appeals hold the above captioned appeal in abeyance to provide the parties an opportunity to enter the proposed plea arrangement.

THAT within ninety days of an Order Remanding the Matter and Holding the Appeal in Abeyance, the parties will advise the Court of Appeals in Writing that the plea has been entered and accepted by the Municipal Court.

THAT in the event the plea agreement is not entered and accepted by the Municipal Court within ninety days the appeal shall be reinstated as if never remanded.

FURTHER THE PARTIES REQUEST NOT.

WE SO MOVE,



THOMAS J. RODE
Attorney for Appellant



MARK BOURDON
Attorney for Respondent

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COA Tracking No. 2012-21-0727

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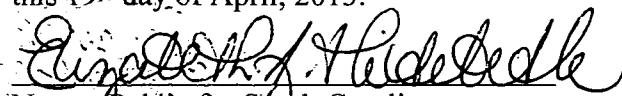
PROOF OF SERVICE

The undersigned certifies that a copy of the Motion for Extension of Time and the Joint Motion to Remand for Purpose of Entering Plea and to Hold Appeal in Abeyance for the Same has been served upon the following, by mailing a copy, properly addressed with sufficient postage affixed thereto, this 19th day of April, 2013:

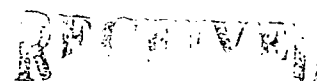
Thomas J. Rhode
15 Prioleau Street
Post Office Box 1002
Charleston, SC 29402


Mark J. Bourdon

SWORN to and SUBSCRIBED before me
this 19th day of April, 2013.


Notary Public for South Carolina

My Commission Expires: 1/23/23



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