

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County

J. Cordell Maddox, Jr., Circuit Court Judge

RECEIVED

AUG 14 2013

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

JUAN OROZCO,

PETITIONER

Appellate Case No. 2011-192226

MOTION TO DISMISS APPEAL
PURSUANT TO RULE 260(c), SCACR

Petitioner having made it known to undersigned counsel that he now wishes to dismiss his appeal, undersigned counsel would show this court the following:

1. Petitioner Juan Carlos Orozco was indicted by the Aiken County Grand Jury for two counts of criminal sexual conduct with a minor, first degree and two counts of lewd act on a child.
2. On July 14, 2008, petitioner proceeded to trial before the Honorable J. Cordell Maddox, Jr. and a jury. David Mauldin represented petitioner. Brenda Brisbin was the Assistant Solicitor. The jury found petitioner guilty as charged. The trial judge sentenced him to incarceration for twenty years for CSC with a minor, first degree, suspended upon service of fifteen years with five years probation to follow. The judge also imposed a twenty year term for CSC with

a minor, first degree, suspended upon service of fifteen years with five years probation; and to fifteen years incarceration for lewd act on a child. The judge ordered that all sentences be served concurrently and that petitioner be given credit for time served.

3. Petitioner was represented on appeal by Celia Robinson. The Court of Appeals affirmed petitioner's convictions in State v. Orozco, 392 S.C. 212, 708 S.E.2d 227 (2011). Petitioner sought rehearing through undersigned counsel, which was denied.

4. Certiorari was later granted by this Court on October 17, 2012, all five Justices voting to grant certiorari.

5. The Brief of Petitioner was filed with this Court on February 20, 2013. The Brief of Respondent was filed by the state on May 22, 2013.

6. Petitioner wrote to underlying counsel in July 2013 stating for the first time, and with absolutely no prior indication, that he wished to dismiss his appeal because he feared getting "more time" if he was granted a new trial and again convicted.

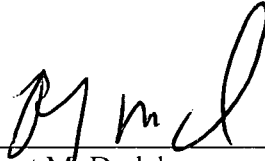
7. Undersigned counsel met with petitioner at Allendale Correctional Institution on July 31, 2013 with an interpreter.

8. At the conclusion of that meeting petitioner promised to give the matter additional thought, and stated he would notify undersigned counsel of his decision.

9. Counsel received a letter on August 8, 2013 from petitioner referring to the July 31, 2013 meeting and stating that he wished to withdraw his appeal that is presently pending before this Court. Counsel has informed petitioner that the present issue before this Court is one of significance. Nonetheless, given petitioner's desire to dismiss his appeal, counsel is compelled to make this motion. Counsel apologized for any inconvenience this has or will cause the Court.

WHEREFORE, petitioner respectfully requests that this court dismiss his appeal pursuant to Rule 260(c), SCACR.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

Robert M. Dudek
Chief Appellate Defender

August 14, 2013

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County
J. Cordell Maddox, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

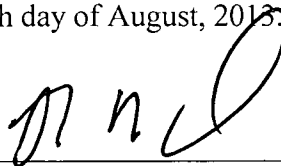
V.

JUAN OROZCO,

PETITIONER

CERTIFICATE OF SERVICE

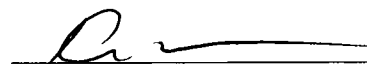
The undersigned attorney hereby certifies that a true copy of the motion to dismiss appeal pursuant to Rule 260(c), SCACR in the above referenced case has been served upon William M. Blicht, Jr., Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, and upon the S.C. Court of Appeals, and upon Mr. Juan Orozco # 329612 at Allendale Correctional Institution, this 14th day of August, 2013.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER.

SUBSCRIBED AND SWORN TO before me
this 14th day of August, 2013.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013 .