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May 06 2024

SC Court of Appeals



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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

May 6, 2024

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: The State v. Lakeithsha M. Fowler  
Appellate Case No. 2023-001557

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in the above case are due to be served and filed on May 13, 2024. However, as evidenced by the enclosed affidavit, Ms. Fowler has elected to drop her appeal. I have reviewed with her the consequences of dropping the appeal and agree with this decision. She has been informed of the advantages and disadvantages of pursuing this appeal, and I believe she has made this decision knowingly and voluntarily.

I respectfully request that an order be issued dismissing this direct appeal. Additionally, I respectfully request the timelines for filing be held in abeyance pending the Court's decision on the motion to withdraw.

By copy of this letter, I am informing Mark Farthing, Esquire, of the Office of the Attorney General of Ms. Fowler's decision. Thank you for your assistance and cooperation in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Sarah E. Shipe".

Sarah E. Shipe  
Appellate Defender

SES/sm

cc: Mark Farthing, Esquire

May 06 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA )  
 COUNTY OF ANDERSON )  
 )  
 )  
 LAKEITHSHA FOWLER, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 Respondent )  
 )  
 \_\_\_\_\_ )

IN THE SOUTH CAROLINA COURT OF APPEALS

Appellate Case No. 2023-001557

AFFIDAVIT OF LAKEITHSHA MECHELLE FOWLER

PERSONALLY, appeared before me, Lakeithsha Mechelle Fowler, who being duly sworn, deposes and says:

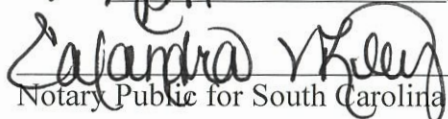
1. I am the appellant in the above captioned case.
2. I was indicted by the Anderson County grand jury for six counts of shoplifting with enhancement.
3. On September 18, 2023, I pled guilty as indicted in front of the Honorable R. Lawton McIntosh.
4. During the same hearing probation on a past shoplifting charge was revoked in full
5. Judge McIntosh sentenced me to three years concurrent for each instance of shoplifting and a consecutive term of eight and a half years for the charge of probation violation.
6. On September 21, 2023, trial counsel moved for the court to reconsider the sentence for violation of probation. On September 25, 2023, Judge McIntosh denied the motion without a hearing.
7. My case was assigned to Sarah E. Shipe, Esquire with the Office of Appellate Defense. On April 17, 2024, Ms. Shipe and I spoke on the telephone, and I confirmed my intention to withdraw the appeal.
8. On April 17, 2024, I requested that Ms. Shipe send me a "drop affidavit" to drop my direct appeal.
9. I understand that I am entitled to a direct appeal, and that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Division of Appellate

Defense. I have been informed that if I drop this appeal that I forever waive those issues that could be raised, including in Federal Court.

10. Understanding the risks which have been explained to me, it is my desire that the South Carolina Division of Appellate Defense withdraw the notice appeal formerly filed on my behalf.
11. I have made this decision on my own, with a full understanding of all the possible consequences of this action.
12. I do not wish to appeal.

  
Lakeithsah Mechelle Fowler

SWORN TO before me this 30  
day of April, 2024.

  
Notary Public for South Carolina (L.S.)

My Commission Expires: 6/16/24