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Dec 19 2024

SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

December 19, 2024

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

Re: The State v. Michael D. Williams
Appellate Case No. 2022-000686

Dear Ms. Kitchings:

The above-entitled case is in initial briefing before this Court. Mr. Williams has decided to abandon his direct appeal, as evidenced by the enclosed affidavit. I have reviewed with him the consequences of dropping the appeal. Because he has been informed of the advantages and disadvantages of pursuing this appeal, I believe he has made this decision knowingly and voluntarily.

I respectfully request that an order be issued dismissing her appeal. By copy of this letter, I am informing Senior Assistant Deputy Attorney General Mark R. Farthing of my client's decision.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah E. Shipe', written in a cursive style.

Sarah E. Shipe
Appellate Defender

SES/kpw

cc: Mark R. Farthing, Esquire

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
))
))
))
THE STATE,)
))
Respondent)
))
v.)
))
MICHAEL D. WILLIAMS,)
))
Appellant)

IN THE SOUTH CAROLINA
COURT OF APPEALS

Appellate Case No. 2022-000686

AFFIDAVIT OF
MICHAEL D. WILLIAMS

PERSONALLY, appeared before me, Michael Dwayne Williams, Sr., who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. An Aiken County grand jury indicted me in April 2022 for the offenses of possession of a weapon during the commission of a violent crime (2022-GS-02-00732), possession of a weapon by a person convicted of a violent felony (2022-GS-02-00734), and trafficking methamphetamine- second offense (2022-GS-02-0733).
3. My case was called to trial April 13, 2022, before the Honorable Courtney Clyburn-Pope and a jury. I was tried in my absence.
4. On April 14, 2022, the jury found me guilty as to all three charges. Judge Clyburn-Pope sealed the sentences and issued a bench warrant for my arrest for failure to appear.
5. I was arrested on May 10, 2022, and my sentence was unsealed on May 13, 2022 by Judge Clyburn-Pope. I was sentenced to five years' incarceration on indictment 2022-GS-02-00732, five years' incarceration on indictment 2022-GS-02-00734, and to fifteen years' incarceration and a \$50,000 fine on indictment 2022-GS-02-0733, all to run concurrently.
6. On May 19, 2022, my public defender, Barry Thompson, filed a Notice of Appeal on my behalf.
7. Appellate Defender Sarah E. Shipe was assigned to represent me in my case.
8. On September 4, 2024, a hearing was held before Judge Clyburn-Pope to reconstruct missing portions of my trial to include: pre-trial motions and motions made after the

jury was selected.

9. My direct appeal is currently in initial briefing before this Court.

10. On September 30, 2024, I contacted Ms. Shipe about the possibility of abandoning my direct appeal in order to proceed with an application for post-conviction relief. On October 30, 2024, Ms. Shipe further counseled me on the disadvantages of withdrawing my direct appeal.

11. 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.

12. 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.

13. I have made this decision on my own, with a full understanding of all the possible consequences of this action.

14. I do not wish to appeal.

Michael Dwayne Williams Sr
Michael Dwayne Williams, Sr.

SWORN TO before me this 11
day of December, 2024.

Bridget Anne Brown (L.S.)
Notary Public for South Carolina

My Commission Expires: March 15, 2031

NOTARIAL SEAL

BRIDGET ANNE BROWN

NOTARY PUBLIC

From: [Warren, Kaylynn](#)
To: [Mark Farthing](#)
Cc: [Shipe, Sarah](#); [Caroline Collins](#)
Subject: 2022-000686 The State v. Michael D. Williams
Date: Thursday, December 19, 2024 10:21:00 AM
Attachments: [2022-000686 The State v. Michael D. Williams Motion to Dismiss.pdf](#)

Good Morning,

Attached for service in the above-referenced case is the Motion to Dismiss which will be filed today, December 19, 2024, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren
Administrative Assistant
South Carolina Commission on Indigent Defense
Division of Appellate Defense
(803) 734-1330