

JAMES JOSEPH PATTERSON  
#368709 F3B. RM. 230  
EVANS C.I. 610 HWY. 9 WEST  
BENNETTSVILLE, S.C. 29512

IN RE: APPELLATE CASE NUMBER 2023-001474 TO ADDRESS THE  
INORDINATE DELAY AND OTHER MATTERS

**RECEIVED**

**Feb 05 2026**

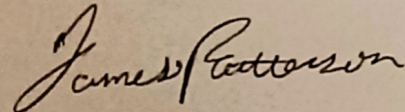
**SC Court of Appeals**

TO: ATTORNEY MOLLY M. KEEGAN ET. AL.,

MA'AM, ATTACHED IS THE COPY OF THE SIGNED AND  
NOTARIZED AFFIDAVIT THAT YOU SENT ME BEING RETURNED TO YOU FOR  
THE PURPOSE OF WITHDRAWING THE APPEAL. I SENT COPY TO THE COURT  
AND ATTORNEY GENERAL TO LET THEM KNOW THAT THE AFFIDAVIT IS  
RETURNED TO YOU FOR FILING. THANK YOU IN ADVANCE FOR YOUR KIND  
ASSISTANCE. STILL REMAIN,

RESPECTFULLY,

JAMES J. PATTERSON



FEBRUARY 4, 2026

CC: THE S.C. COURT OF APPEALS  
THE S.C. ATTORNEY GENERAL  
JAMES JOSEPH PATTERSON

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )  
THE STATE, )  
 )  
RESPONDENT, )  
 )  
v. )  
 )  
JAMES JOSEPH PATTERSON, III, )  
 )  
 )  
APPELLANT. )  
 )  
\_\_\_\_\_ )

IN THE SOUTH CAROLINA  
COURT OF APPEALS

APPELLATE CASE NO. 2023-001474

DROP  
AFFIDAVIT

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SC Court of Appeals

PERSONALLY appeared before me, James Joseph Patterson, III, who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. A Lexington County grand jury indicted me in September 2022 for the offenses of murder and possession of a weapon during the commission of a violent crime (2022-GS-32-6146 and 2022-GS-32-6147). My case was called to trial September 5, 2023, before the Honorable Daniel D. Hall and a jury. On September 7, 2023, I was sentenced to thirty years' imprisonment for murder and a concurrent five-year term for the possession of a weapon during the commission of a violent crime.
3. On September 15, 2023, my retained trial counsel filed a Notice of Appeal.
4. The late Chief Appellate Defender Robert M. Dudek was assigned to perfect my direct appeal before the Court of Appeals.
5. Final Briefing was completed in my case on March 10, 2025, and my direct appeal is ready for consideration before the Court of Appeals
6. My case was reassigned to Appellate Defender Molly M. Keegan on July 3, 2025.
7. On September 29, 2025, I contacted Counsel Keegan via telephone asking her to amend the briefing in my case to raise other issues. I continued written and telephone correspondence with Counsel Keegan throughout November and December of 2025 and January of 2026 discussing my desires to amend the issues raised in this direct appeal or to alternatively

abandon my direct appeal in the interest of pursuing post-conviction relief (PCR).

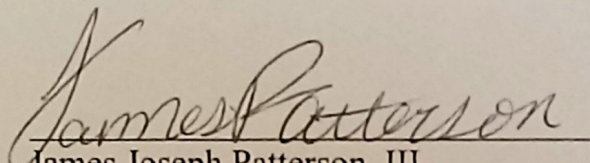
8. In discussing the legal merits of my direct appeal, my attorney discussed that the late Chief Appellate Defender filed a merits brief on my behalf and the consequences of withdrawing my appeal at this time. I understand that by dropping my direct appeal, I may be deemed to have waived this issue and any other properly preserved issues that could be addressed on direct appeal.

8. I understand that I am entitled to an appeal of my conviction, and that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Office of Appellate Defense. I have been informed that if I drop my direct appeal that I will forever waive those issues that could be raised on direct appeal.

9. In light of the risks which have been explained to me, it is my desire that the South Carolina Office of Appellate Defense drop the appeal formally filed on my behalf.

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

11. **I do not wish to appeal.** I DO NOT AGREE OR ACCEPT POINTS 8 THROUGH 12 OF THIS DOCUMENT. SEE THAT ATTACHED PAGE FOR FURTHER ELABORATION.

  
James Joseph Patterson, III

SWORN TO before me this 4th day

of February, 2026.

Sarah Outlaw (L.S.)  
Notary Public for South Carolina

My Commission Expires: 2/28/34



THE APPELLANT GIVES THE COURT AND PARTIES JUDICIAL NOTICE THAT THERE APPEARS TO BE A TYPOGRAPHICAL ERROR IN NUMBERING THE POINTS LISTED IN THE ATTORNEY'S AFFIDAVIT. THERE APPEAR TO BE 12 POINTS, NOT 11, POINT 8 BEING LISTED TWICE. TO GIVE FURTHER CLARITY ON THIS CONCERN, IT IS PERSPICUOUS BY THE STATE APPOINTED LEGAL COUNSEL'S OWN CLAIMS BY POINT 7 OF THE AFFIDAVIT, THE APPELLANT SOUGHT THE STATE APPOINTED COUNSEL TO AMEND THE ISSUES ON APPEAL. THIS WAS FOR THE PURPOSE OF ARGUING JURISDICTIONAL CLAIMS WHICH COULD NOT BE WAIVED AND OR FORFEITED, CAN BE RAISED AT ANY TIME, EVEN AFTER A FINAL JUDGMENT WAS ISSUED IN THE LOWER COURT, EVEN FOR THE FIRST TIME ON APPEAL. STATE APPOINTED COUNSEL BEING COMPROMISED BY THE STATE CONSPIRED UNDER COLOR OF STATE LAW TO UNLAWFULLY WAIVE AND OR FORFEIT THE APPELLANT'S SUBSTANTIAL JURISDICTION CLAIMS IN ACTS OF FRAUD UPON THE COURT, WHICH INCLUDED A JURISDICTIONAL ATTACHMENT TO THE VERY CLAIM THAT WAS PRESENTED BY THE APPELLATE DEFENSE OFFICE BEFORE THE COURT OF APPEALS. THIS CONSTITUTE FRAUD UPON THE COURT AND OF COURSE RES JUDICATA DOES NOT ATTACH TO ANY JUDGMENT PROCURED BY FRAUD WHERE THE STATE APPOINTED ATTORNEY CONSPIRING UNDER COLOR OF LAW WORKING WITH THE PROSECUTOR TO SUPPRESS THE TRUTH OF THESE SUBSTANTIAL JURISDICTIONAL ISSUES. BY THIS FRAUD AND OBSTRUCTION OF JUSTICE THE APPELLANT WOULD HAVE BEEN EXTREMELY PREJUDICED IF HE ALLOWED THIS FRAUD AND MISREPRESENTATION OF THE FACTS TO CONTINUE BEFORE THE S.C. COURT OF APPEALS. THIS FORCES THE APPELLANT TO SEEK TO WITHDRAW THE APPEAL AND FILE PCR TO PREVENT THIS MANIFEST INJUSTICE AND FRAUD UPON THE COURT, CONSPIRACY AND OBSTRUCTION OF JUSTICE FROM CONTINUING BEFORE THIS COURT. ONCE THE PCR APPLICATION IS HEARD THE APPELLANT RESERVES HIS RIGHT OF APPEAL UPON THE CONCLUSION OF THE PCR AND DO NOT WAIVE OR FORFEITED ANY OF THE ISSUES OR CLAIMS HE INTENDS TO PRESENT, OR THOSE CURRENTLY ON APPEAL, ESPECIALLY WHEN THEY ARE JURISDICTIONAL IN NATURE AND CANNOT BE WAIVED AND OR FORFEITED UNDER THE CONSTITUTIONAL ELEMENT TO SUBJECT MATTER JURISDICTION.