

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM SUMTER COUNTY  
Court of General Sessions  
W. Jeffrey Young, Third Judicial Circuit Judge

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Indictment No.: 2012-GS-43-0781

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The State of South Carolina, .....Respondent.

v.

Travis Jacquese McFadden, .....Appellant.

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MOTION TO WITHDRAW APPEAL

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Now comes the Defendant, Travis Jacquese McFadden, by and through his undersigned counsel requesting the Court to withdraw his appeal filed on November 27, 2013.

The basis for said motion is that Defendant filed a timely post trial Motion for Reconsideration of Sentence pursuant to Rule 29 SC Crim Procedure. As a result of the filing of this motion, the time for appeal would be stayed until the resolution of the motion. Defendant wishes to withdraw this appeal as being filed prematurely.

December 30, 2013



SHARON BAKER CLARK, ESQ., Bar No.: 8626  
CLARK LAW FIRM, LLC  
22 East Liberty Street  
Post Office Drawer 880  
Sumter, South Carolina 29151-880  
Attorney for Appellant  
(803) 775-1234 • (803) 775-8590 fax  
Attorney for Appellant/Claimant

Other Counsel of Record:

The Honorable Ernest A. Finney, III, Solicitor  
Solicitor's Office  
215 North Harvin Street  
Sumter, SC 29150  
Attorney for Respondent  
803-436-2185

**RECEIVED**

JAN 03 2014

**SC Court of Appeals**

The Honorable Alan Wilson, Attorney General  
Office of the Attorney General  
PO Box 11549  
Columbia, SC 29211-1549  
Attorney for Respondent  
803-734-3970

Mr. Robert M. Dudek, Chief Appellate Defender  
South Carolina Commission on Indigent Defense  
PO Box 11589  
Columbia, SC 29211-1589  
803-734-1330

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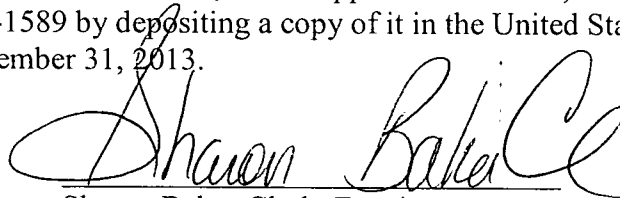
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PROOF OF SERVICE

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I certify that I have served the Motion to Withdraw Appeal on The Honorable Ernest A. Finney, III, Solicitor for the Third Judicial Circuit, at his office at 215 North Harvin Street, Sumter, SC 29150, The Honorable Alan Wilson, Attorney General, at his office at PO Box 11549, Columbia, SC 29211-1549 and Robert M. Dudek, Chief Appellate Defender, at his office at PO Box 11589, Columbia, SC 29211-1589 by depositing a copy of it in the United States Mail, postage prepaid, on Tuesday, December 31, 2013.

December 31, 2013



Sharon Baker Clark, Esquire  
22 East Liberty Street  
P.O. Drawer 880  
Sumter, South Carolina 29151  
(803) 775-1234  
Attorney for Appellant

**RECEIVED**

JAN 03 2014

**SC Court of Appeals**

**JOHN D. CLARK**  
jclark@theclarklawfirm.com

**SHARON BAKER CLARK**  
sbclark@theclarklawfirm.com



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22 E. Liberty Street, P.O. Box 880, Sumter, SC 29151  
PH: (803) 775-1234 FX: (803) 775-8590

December 31, 2013

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

RE: *The State of South Carolina, Respondent, v. Travis Jacquese McFadden, Appellant*  
Appellate Case No. 2013-002533

Dear Ms. Kitchings:

Enclosed for filing is a Motion to Withdraw Appeal and an Affidavit from the appellant. I would ask that you please file same and return the copies to me in the enclosed envelope. Judge Young has agreed to hear a Motion for Reconsideration in this matter on January 14, 2013.

By copy of this correspondence, I am notifying the Solicitor, Attorney General and Office of Appellate Defense of this Motion.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Sharon Baker Clark'.

Sharon Baker Clark, Esquire  
22 East Liberty Street  
P.O. Drawer 880  
Sumter, South Carolina 29151  
(803) 775-1234  
Attorney for Appellant

**RECEIVED**

SBC/

JAN 03 2014

cc: The Honorable Ernest A. Finney, III, Solicitor  
The Honorable Alan Wilson, Attorney General  
Robert M. Dudek, Chief Appellate Defender

**SC Court of Appeals**

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AFFIDAVIT TO WITHDRAW APPEAL

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**SC Court of Appeals**

Now comes the Defendant, Travis Jacquese McFadden, having been duly sworn, deposes and says:

I have been informed by counsel, that a timely post-trial motion for reconsideration of sentence was made in the Sumter County General Sessions Court, therefore, an appeal of the guilty plea is premature.

I have been further informed that in order for the Circuit Court to hear the motion for reconsideration, the appeal must be withdrawn.

I understand that after the decision of the Court on my motion to reconsider sentence, I may have the right to appeal that final decision.

I wish to withdraw my appeal of the guilty plea entered into on November 20, 2013, said appeal having been filed with the South Carolina Court of Appeals on November 27, 2013.

Further the affiant sayeth not.

*Travis J. McFadden*

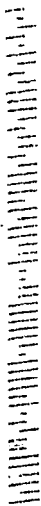
Travis J. McFadden

Sworn to and subscribed before  
me this 27<sup>th</sup> day of December, 2013

*Sharon Baker*

Notary Public for South Carolina

My Commission Expires: August 24, 2017



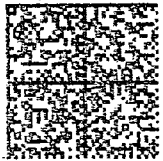
CLARK LAW FIRM, LLC  
22 E. Liberty Street  
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COURT OF APPEALS

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



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