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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
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March 11, 2014

James Rose, #293938
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

RECEIVED
MAR 11 2014
SC Court of Appeals

Re: State v. James Rose, Appellate Case No. 2013-002750

Dear Mr. Rose:

I am in receipt of a letter from the South Carolina Court of Appeals to Robert Dudek, Esquire wherein the Court advised Mr. Dudek of receiving a letter from you in which you request to withdraw your appeal. The letter directs Mr. Dudek to advise you in writing of the consequences of withdrawing your direct appeal and to provide the Court with a copy of the letter within ten days. Today, Mr. Dudek assigned your case to me; therefore, I am responding to the Court of Appeals' letter.

This letter will advise you of the consequences of withdrawing your direct appeal, and I will not discuss confidential matters because this letter is being disclosed to third parties, including the state. You have an absolute right to a direct appeal free of charge through our office. **If you withdraw your direct appeal, you cannot get it back.** You will forever lose the right to raise the issues on direct appeal concerning your convictions and sentences. This will result in your inability to raise those issues in a subsequent appeal to the United States Supreme Court or in a subsequent collateral action in state or federal court. You will be left with only issues properly raised in post-conviction relief.

We received your transcript on February 26, 2014, and your case was assigned to me today. Obviously, I have not had an opportunity to review your transcript. Further, I must advise you that due to my heavy workload, I will not have an opportunity to review your transcript for quite some time as I am in the middle of preparing a petition for writ of certiorari in a capital PCR case. It is my understanding that the transcript is almost 700 pages. **I cannot provide you with intelligent advice unless and until I have an opportunity to review your transcript.**

If you have any questions concerning this matter, please do not hesitate to contact me. If you would like to withdraw your appeal, please send me a letter stating your desire to do so. Thereafter, I will prepare an affidavit for you to sign, which I will file with the Court.

I am writing to you separately concerning confidential matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan B. Hackett". The signature is written in dark ink and is positioned above the typed name.

Susan B. Hackett
Appellate Defender

SBH/

cc: Court of Appeals
Salley W. Elliott, Esquire