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March 18, 2014

FAX & US MAIL: 803-734-1839

The Honorable John C. Few
Chief Judge, S.C. Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: The State v. Dwayne C. Tallent
Appellate Case Number 2013-002083

Dear Judge Few:


I sincerely apologize for not proceeding appropriately with the timeline of Mr. Tallent's appeal.

Please allow me to get to the ultimate point first and foremost - Mr. Tallent does not wish to proceed with his appeal. Please see the enclosed Affidavit of Mr. Tallent. I personally spoke with Mr. Tallent last Wednesday, March 12, and witnessed and notarized his signature.

Due to inadvertence and mistake with my office proper procedures and notifications for dismissing Mr. Tallent's appeal never happened.

Lastly I respectfully request that production of Mr. Tallent's affidavit and request to dismiss his appeal suffice to rectify the appeal issues without the need for me to appear. I had surgery last Thursday, and I am in no condition to appear this week, but I will certainly come if you need me to when I am physically able. Please advise.

Respectfully submitted,



Mary Alice H. Godfrey
SC Bar 11802

MAHG/cs
Enclosure: Affidavit of Mr. Tallent
CC: Client
Sally W. Elliott, Esq. (fax only - 803-734-4113)

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MAR 18 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

AFFIDAVIT

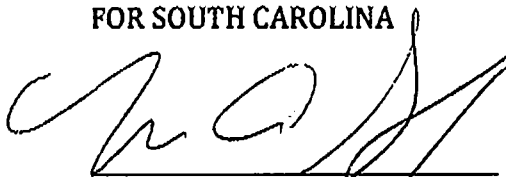
Affiant, after being duly sworn, testifies as follows:

1. I am Dwayne Cameron Tallent. My SCDC number is 357180, and I am presently incarcerated in Tyger River Correctional Institution because of a drug conviction from Greenville County on September 18, 2013.
2. I advised my attorney that I wanted to appeal, but now after having time to think, I have decided that I do not want to appeal.
3. I have made the decision to withdraw my appeal freely, voluntarily, and knowingly; no one has promised me anything and no one has forced, pressured, or coerced me to make this decision; I am not under the influence of alcohol, drugs or medication, and I have a clear head.
4. I have had the opportunity to talk with my attorney about my decision to withdraw my appeal, and I have understood our conversations.
5. I understand that as a result of my decision to withdraw my appeal, I will never at a later date be allowed to file for a direct appeal again.
6. Please withdraw my appeal.

Further affiant sayeth not.


Dwayne Cameron Tallent

NOTARY PUBLIC
FOR SOUTH CAROLINA


My Commission Expires: 7.3.2022

SCHMUTZ & SCHMUTZ, P.A.
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CHARLESTON, SC 29401

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KATE SCHMUTZ

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March 18, 2014

Via Facsimile (803-734-1839) & General Mail

Jenny Abbott Kitchings
Clerk
SC Court of Appeals
P O Box 11629
Columbia, SC 29211

Re: State of SC v Marcelino Montgomery
Appellate Case No.: 2013-002172

Dear Ms. Kitchings:

Thank you for speaking with me today. As we discussed, I am enclosing my Rule 203(d)(1)(B)(iv) Explanation with regards to Mr. Montgomery's plea.

If you need anything else from me, please do not hesitate to call.

Sincerely,



J. Stephen Schmutz

JSS/tjc

copy: Marcelino Montgomery, #00101878 (w/enc.)
Lieber Correctional Institute
P O Box 205
Ridgeville, SC 29472

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SC COURT OF APPEALS

IN THE SOUTH CAROLINA COURT OF APPEALS

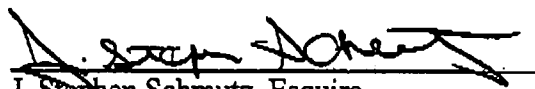
CASE NO.: 2013-002172

STATE OF SOUTH CAROLINA)
)
 versus)
)
 MARCELINO MONTGOMERY)
 Defendant.)

RULE 203(d)(1)(B)(iv) EXPLANATION

Marcelino Montgomery entered a guilty plea to Burglary First Degree before the Honorable R. Markley Dennis, Jr., on April 23, 2012.

Pursuant to Rule 203(d)(1)(B)(iv), it is my opinion that there are no issues which can be reviewed on appeal.



J. Stephen Schmutz, Esquire
24 Broad Street
Charleston, SC 29401
843/577-5530

Charleston, South Carolina

March 18, 2014

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