

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY

Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2014-000008

RECEIVED

JUL 23 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA,

Respondent,

vs.

FREDERICK CHARLES MCLEOD,

Appellant.

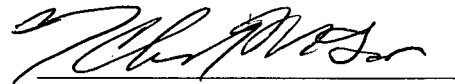
**AFFIDAVIT IN SUPPORT OF MOTION TO
WITHDRAW DIRECT APPEAL**

PERSONALLY appeared before me, **Frederick Charles McLeod**, who being duly sworn, deposes and says:

1. I am aware that a direct appeal from my convictions and sentences for 1st degree burglary and assault with intent to commit criminal sexual conduct has been filed with this Honorable Court.
2. I have retained Tara Dawn Shurling to represent me on appeal. Attorney Shurling have given me her professional opinion concerning my chances of prevailing on a direct appeal. With the benefit of her advice, I have decided to withdraw my direct appeal in order to proceed directly with collateral review through an Application for Post-Conviction Relief.
3. I have been advised that the issues which would be properly presented for review on direct appeal *may not* be raised in a PCR Application. I have also

been advised of the contemporaneous objection rule and its effect on what issues may be successfully pursued on direct appeal under South Carolina law.

4. I am aware that if I withdraw my direct appeal I *will not* be able to pursue the issues that could have been raised on direct appeal at a later time. It has been fully explained to me that once an order is issued permitting me to withdraw my direct appeal, I will not be able to request a direct appeal at some later date.
5. Nothing has been said or done to coerce my decision in any way. I have made the decision to withdraw my direct appeal freely and voluntarily with the benefit of counsel with whom I am well pleased.
6. I wish to withdraw my direct appeal and respectfully request that I be permitted to do so.


Frederick Charles McLeod

SWORN TO BEFORE me this 1st day
of May, 2014.


Notary Public for South Carolina (L.S.)

My Commission Expires: May 26, 2020

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions
The Honorable Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2014-000008

STATE OF SOUTH CAROLINA,

v.

RESPONDENT.

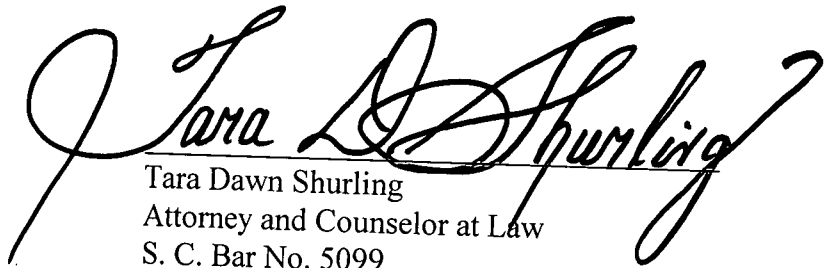
FREDERICK CHARLES MCLEOD,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Motion to Withdraw Direct Appeal in the above-entitled case has been served upon opposing counsel, this 22nd day of July, 2014, by mailing one (1) copy in a stamped envelope properly addressed to:

Salley W. Elliott, Senior Assistant Deputy Attorney General,
Office of the Attorney General
P O Box 11549
Columbia, SC 29211



Tara Dawn Shurling
Attorney and Counselor at Law
S. C. Bar No. 5099
Attorney for Appellant

SWORN TO BEFORE me this 22nd day
of July, 2014.

Sharon H. McColister (L.S.)
Notary Public for South Carolina

My Commission Expires: Jan. 16, 2017

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JUL 23 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
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SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT.

v.

FREDERICK CHARLES MCLEOD

APPELLANT.

NOW COMES the Appellant above-named, by and through the undersigned retained counsel, asking to withdraw his direct appeal, and would show unto this Court the following:

I.

The Appellant's Initial Brief and Designation of Matter in the above-captioned matter is due to be filed and served on today's date; July 22, 2014. Counsel has met with Appellant and Appellant has signed an affidavit documenting his desire to withdraw his direct appeal, which is hereto attached.

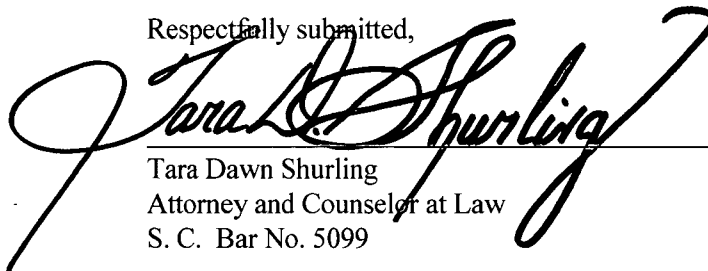
II.

Appellant's affidavit clearly evidences that he has been fully advised concerning his appellate rights and the consequences of his decision not to perfect a direct appeal.

III.

WHEREFORE, it is respectfully requested that this direct appeal be dismissed.

Respectfully submitted,



Tara Dawn Shurling
Attorney and Counselor at Law
S. C. Bar No. 5099

3614 Landmark Dr., Ste. A
Columbia, SC 29204
(803) 738-8622
(803) 738-1600 (Fax)
Email: tdslaw@bellsouth.net

ATTORNEY FOR APPELLANT.

This 22nd day of July, 2014.

LAW OFFICE OF



RECEIVED

JUL 23 2014

TARA DAWN SHURLING, PA

SC Court of Appeals

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

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E-Mail: tdslaw@shurlinglaw.com

July 22, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State of South Carolina v. Frederick Charles McLeod; 2012-GS-07-1767, 1769.
Appellate Case No. 2014-000008

Dear Ms. Kitchings:

The Initial Brief of Appellant is due in the above-captioned matter on today's date. I previously met with my client at Lieber Correctional Institution and had the opportunity to have a lengthy conference with him. I have also had several phone conferences with Mr. McLeod. I reviewed my findings concerning the trial transcript with Mr. McLeod and advised that, in my best professional judgment, there are no issues preserved for appellate review which are likely to result in a reversal in his case. The only arguably meritorious issue in the record from this trial is one which, in my opinion, would not survive harmless error analysis. For that reason, Mr. McLeod has decided that he wishes to withdraw his direct appeal and to pursue collateral review through Post-Conviction Relief.

I have enclosed a Motion to Withdraw Direct Appeal attaching an affidavit documenting this client's desire to withdraw his direct appeal. Please note the affidavit is dated May 1, 2014. I had Mr. McLeod execute the affidavit after I first met with him so that I would have it available when he made his final decision regarding his direct appeal. As you can see from the affidavit, I have gone to great lengths to insure that the client understands all the consequences of this decision. At this time, I am requesting this Court's Order permitting Mr. McLeod to withdraw his direct appeal. He is an intelligent man and I am confident he is making an informed and voluntary decision concerning his direct appeal rights. With my thanks for the Court's consideration of this request, I remain,

Sincerely yours,

A large, stylized handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is written in a cursive, flowing style.

Tara Dawn Shurling
Attorney and Counselor at Law

TDS /sm
Enclosure

cc: Salley W. Elliott, Assistant Deputy Attorney General (w/enclosures)
Frederick Charles McLeod 355555 (w/enclosures)
Claude and Brenda McLeod (w/enclosures)