

August 27, 2014

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Jenny Abbott Kitchings, Clerk of Court
SOUTH CAROLINA COURT OF APPEALS
P.O. Box 11629
Columbia, SC 29211

RE: *Brian Keith Byrd v. The State*
Appellate Case Number: 2012-213478

Dear Ms. Kitchings:

Final Briefs and the Record on Appeal have been filed in the above-referenced case and we are currently awaiting scheduling of oral argument. However, I have recently been notified by my client that he would like to dismiss his appeal. I have spoken with him by phone and in person and advised against dismissal, but he insists that it is his desire to do so. I am enclosing an original version and copies of an Affidavit signed by my client along with a Dismissal of Appeal signed by me as well as counsel the Respondent, the State of South Carolina. If you would, please return a clocked copy of both documents to me in the envelope I have provided. Please let me know if you require any additional information or documentation in order to finalize the dismissal.

As always, thank you for your help with this matter.

With Best Regards,



K. Jay Anthony

KJA/msa

- Enclosures:
1. Dismissal of Appeal (original and 2 copies)
 2. Affidavit of Brian Keith Byrd (original and 2 copies)
 3. Stamped Return Envelope

cc: Mark R. Farthing, Esquire (with Enclosures)
Robert M. Dudek, Esquire (with Enclosures)
Brian Keith Byrd (with Enclosures)

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AUG 29 2014

SC Court of Appeals



THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Letitia H. Verdin, Circuit Court Judge

Appellate Case No. 2012-213478

Brian Keith Byrd Appellant,

v.

The State Respondent,

DISMISSAL OF APPEAL

K. Jay Anthony
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Office of the Attorney General of
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ATTORNEYS FOR RESPONDENT

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ATTORNEYS FOR APPELLANT

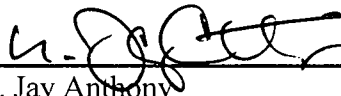
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SC Court of Appeals

The Appellant, pursuant to Rule 260 of the South Carolina Rules of Appellate Procedure, requests dismissal of the above-captioned action and submits the attached Affidavit of Bryan Keith Byrd regarding the same. Respondents do not object to dismissal, as indicated below. Therefore, the parties respectfully request that the above action be dismissed and forever ended pursuant to Rule 260(b), SCACR.

WE SO MOVE:

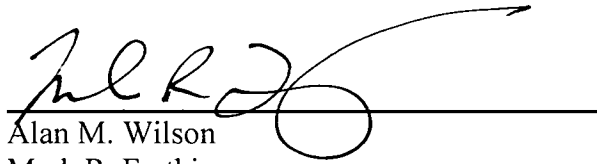


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WITH NO OBJECTION:

A handwritten signature in black ink, appearing to read 'M. Wilson', is written over a solid horizontal line. The signature is stylized and extends to the right of the line.

Alan M. Wilson
Mark R. Farthing
Office of the Attorney General of
The State of South Carolina
P.O. Box 11549
Columbia, S.C. 29211

ATTORNEYS FOR RESPONDENT

August 25, 2014

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
THE STATE,)
 Respondent,)
)
)
 v.)
)
BRIAN KEITH BYRD)
 Appellant.)
)
Appellate Case No. 2012-213478)
_____)

IN THE SOUTH CAROLINA COURT OF APPEALS


A F F I D A V I T

PERSONALLY appeared before me, Brian Keith Byrd, who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. 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 forever waive those issues that could be raised.
3. 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 formerly filed on my behalf.
4. I have made this decision on my own, with a full understanding of all the possible consequences of this action.
5. I do not wish to appeal.


Brian Keith Byrd

SWORN TO before me this 20th
day of August, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 6/20/2021

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SC Court of Appeals