ORIGINAL

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 13, 2012

RECEIVED
AUG 13 2012
SC Court of Appeals

The Honorable Tanya A. Gee
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: State of South Carolina v. Tina Dockery

Dear Mr. Gee:

The Initial Brief of Appellant in the above case has been held in abeyance. Our office is currently awaiting Ms. Dockery to mail to us her drop affidavit. We have attached a copy of a letter that is going out to Ms. Dockery today. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Dayne C. Phillips
Assistant Appellate Defender

DCP/fkb

cc: Attorney General's Office

SCCID
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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 13, 2012

Ms. Tina Dockery
165 Clark Circle
Spartanburg, SC 29307

Re: Your case

Dear Ms. Dockery:

Please update me on the status of the drop affidavit that was sent to you on July 19, 2012. You have previously indicated to me that you wish to drop your direct appeal. If you are having "second-thoughts" about dropping your direct appeal, please contact me immediately. However, if you still want to drop your direct appeal, then please send me your ***signed and notarized*** drop affidavit.

PLEASE TAKE NOTICE: I am giving you fifteen (15) days to respond to this letter before I notify the South Carolina Court of Appeals to take your case out of abeyance and I will file your direct appeal. If you do not wish for me to file your direct appeal, then you must notify me within 15 from the date of this letter.

As I have previously explained to you, it is imperative that you weigh the advantages and disadvantages of waiving your right to a direct appeal, which I have explained to you in our phone conversation. Again, this is an important decision, and it is ultimately ***your*** decision to make. However, if you do not fully understand the risks and benefits as I have previously explained them to you, do not sign the affidavit and contact me immediately.

I have ***enclosed another "drop" affidavit*** in the event that your original copies have become lost or destroyed. Again, once your drop affidavit is filed, your direct appeal will dismissed and your right to pursue any direct appeal issues will be waived. Therefore, if you still wish to drop your appeal, please **sign and notarize this affidavit before returning it to our office**. If you are unable to get the affidavit notarized, please come by my office.

Should you have any further questions or concerns regarding your case, please do not hesitate to contact me. Thank you for your cooperation.

Sincerely,

Dayne C. Phillips
Appellate Defender

DCP/fkb
Enclosure: Drop Affidavit

cc: SC Court of Appeals

STATE OF SOUTH CAROLINA	)	
	)	IN THE SOUTH CAROLINA COURT OF APPEALS
COUNTY OF SPARTANBURG	)	
THE STATE,	)	
	)	
Respondent,	)	
	)	
v.	)	AFFIDAVIT
	)	
TINA DOCKERY	)	
	)	
Appellant.	)	
	)	
_____	)	

PERSONALLY appeared before me, Tina Dockery, 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.

_____
Tina Dockery

SWORN TO before me this ____
day of _____, 2012.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: _____