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THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2015-000667

RECEIVED  
JAN 13 2016  
SC Court of Appeals

The State, Respondent,

v.

Annie Jackson, Appellant

MOTION TO DISMISS APPEAL

The undersigned attorney moves to dismiss the appeal on above-referenced matter based upon the following:

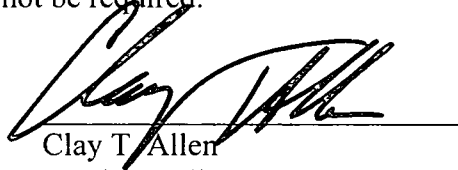
1. On October 28, 2014, the Defendant was convicted in the Magistrate's Court for Public Disorderly Conduct and Trespassing. The Defendant was represented at that time by Assistant Public Defender Thomas Barksdale Cabler.
2. The Defendant, by and through counsel, timely filed and served an appeal of her conviction and sentence in the Court of Common Pleas for Spartanburg County. The conviction and sentence were affirmed by order the Honorable R. Keith Kelly on February 19, 2015. The Defendant's counsel was notified of the decision on March 18, 2015. Assistant Public Defender Mary Frances Dassel (now Mary Frances Cole) represented the Defendant at the appeal.
3. On March 19, 2015, pursuant to the request of the Defendant, an appeal of the circuit court's order was filed and served by and through counsel. Initial briefs were prepared and filed on May 13, 2015. Final briefs have been filed.
4. Upon further review of the Brief of the Respondent, attorney for the Appellant believes that it is necessary to move to dismiss the appeal. At the time of the filing and serving this appeal, the attorney for the appellant believed in good faith that there was a legitimate basis for the appeal. However, upon reviewing the law and the Brief of the Respondent, the attorney for the Appellant now believes that there is no good faith basis in law or in fact for this appeal; therefore, consistent

*CTA*

with the requirements of Rule 3.1, RPC, Rule 407, SCACR, the undersigned attorney believes that this appeal should be dismissed.

5. The undersigned attorney believes that the Appellant will not agree to the dismissal of this appeal; therefore, a copy of this motion is being served on her as well as on the Respondent.
6. The undersigned attorney believes that the current appeal is a permissive appeal, and that there is no appeal as a matter of right from an appeal to the circuit court. The undersigned attorney therefore believes that the consent of the Appellant to dismiss this appeal should not be required.

January 7, 2016



Clay T. Allen  
South Carolina Bar No. 328  
Seventh Judicial Circuit Public Defender  
366 North Church St., Suite 3000  
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Attorney for Appellant

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM SPARTANBURG COUNTY  
Court of General Sessions

The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2015-000667

RECEIVED

JAN 13 2016

SC Court of Appeals

The State of South Carolina, Respondent,

v.

Annie Jackson, Appellant

PROOF OF SERVICE OF  
MOTION TO DISMISS APPEAL

I certify that I have served the Motion to Dismiss Appeal on the State and the Appellant by depositing a copy of it in the United States Mail, postage prepaid, on January 7, 2016, addressed to its attorney of record, Christina Catoe Bigelow, Assistant Attorney General, P.O. Box 11549 Columbia, South Carolina 29211, and to Annie Jackson, 8706 Donaldson Common Court, Charlotte, North Carolina 28216.

January 7, 2016



Clay T. Allen  
Seventh Judicial Circuit Public Defender  
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Attorney for Appellant

**SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**

**CLAY T. ALLEN**  
CIRCUIT PUBLIC DEFENDER

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SPARTANBURG, SC 29303



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January 7, 2016

Jenny Abbott Kitchings  
Clerk of Court  
The South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**RECEIVED**  
JAN 13 2016  
SC Court of Appeals

Re: **State v. Annie Jackson, Appellate Case No. 2015-000667**

Dear Ms. Kitchings:

Enclosed is my Motion to Dismiss Appeal and Proof of Service of Motion to Dismiss Appeal. I realize that I have previously filed a motion to dismiss, but I am filing this motion to provide additional information about my reasons for the motion.

If the Court needs any additional information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay T. Allen".

Clay T. Allen

cc: Christina Catoe Bigelow, Assistant Attorney General  
Ms Annie Jackson