

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

The Honorable Steven H. John, Circuit Court Judge

Appellate Case No. 2016-0015722016-001572

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DEC 01 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

TIANT A. SMITH,

APPELLANT.

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

PERSONALLY appeared before me, **Tiant A. Smith**, who being duly sworn, deposes and says:

1. I am aware that a direct appeal from my judgments and sentences for Trafficking in Heroin, Possession with Intent to Distribute of controlled substance, and two weapons charges has been filed with this Honorable Court. Said judgments and sentences were entered pursuant to guilty pleas entered on February 9, 2016.
2. I have retained Tara Dawn Shurling to represent me on appeal. Attorney Shurling was substituted as counsel for my previous attorney, Dayne Phillips, Esquire. Attorney Shurling has given me her professional opinions 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 pursuant to S. C. Code Ann. § 17-27-10, *et seq.*
3. I have been advised that the issues which could 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. I have been further advised of the limitations on issues which may be pursued successfully in a direct appeal from guilty pleas.

J.S. (GKB)

Affidavit in Support of
Motion to Withdraw
Direct Appeal
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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.

Tiant A. Smith 367135
Tiant Alphonso Smith, 367135

SWORN TO BEFORE me this 18th day
of NOVEMBER, 2016.

[Signature] (L.S.)
Notary Public for South Carolina

My Commission Expires: 6-20-26

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law
3614 Landmark Drive
Suite A

Columbia, South Carolina 29204

(803) 738-8622

(Fax) (803) 738-1600

E-Mail: tdslaw@shurlinglaw.com

November 29, 2016

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

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SC Court of Appeals

Re: State of South Carolina v. Tiant Alphonso Smith
Lower Case Nos. 2014-GS-03429, 03635, 03637
Appellate Case No. 2016-001572

Dear Ms. Kitchings:

I recently advised the Court that my client has decided against proceeding with his direct appeal from his guilty plea and the denial of his post-plea motion. At that time, I had not yet been able to secure a notarized affidavit from my client documenting this decision, and the fact that I had thoroughly advised him of the consequences of withdrawing his direct appeal. I now enclose his affidavit addressing this decision.

In light of the affidavit enclosed, Appellant now requests this Honorable Court's Order granting his request to withdraw his direct appeal. Please advise me if the Court would require a formal motion or a proposed order. I will, of course, be happy to provide either if necessary. For now, I appreciate the Court's patience in allowing me adequate time to address this important decision with this new client. I remain,

Yours sincerely,

A 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

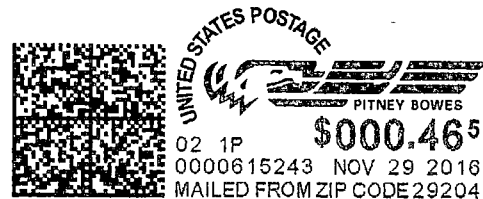
TDS/sg
Enclosure

cc: J. Benjamin Aplin, Senior Assistant Deputy Attorney General, (w/enclosure)
Tiant Alphonso Smith 367135 (w/enclosure)
Ronnice Gray (w/enclosure)



Law Office of
Tara Dawn Shurling, P.A.
 Attorney and Counselor at Law
 3614 Landmark Dr., Suite A
 Columbia, South Carolina 29204

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SC Court of Appeals

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

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