



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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 15, 2017

RECEIVED

AUG 15 2017

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
S.C. Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: *The State v. John Arthur Thomas*  
Appellate Case No.: 2015-000720

Dear Ms. Kitchings:

Pursuant to Rule 260(c), SCACR, please allow this correspondence to serve as notice of Mr. Thomas' intent to withdraw and dismiss his appeal. Mr. Thomas executed an affidavit, enclosed herewith, confirming his desire to end the appeal. As mentioned in my previous letter, I have spoken at length with Mr. Thomas regarding the consequences of dismissing the appeal. Based on these discussions, I believe that his decision to dismiss his appeal is knowing and voluntary.

Mr. Thomas understands that he is forever forgoing the right to a direct appeal of his conviction and sentence. He further understands that dismissing the appeal may result in the inability to raise issues that could have been raised on direct appeal in the event that he files a subsequent appeal to the U. S. Supreme Court or in a subsequent collateral action in state or federal court.

By copy of this letter, I am informing William F. Schumacher, IV, of the Office of the Attorney General of Mr. Thomas' decision. Please let me know if the Court would prefer a formal motion in lieu of this letter or if there are any additional steps needed to have the appeal dismissed. Thank you for your time and assistance in this matter.

Sincerely,

John H. Strom  
Appellate Defender

Enclosure

cc: William F. Schumacher, IV, Esquire

STATE OF SOUTH CAROLINA )  
 COUNTY OF BERKELEY )  
 )  
 THE STATE, )  
 )  
 RESPONDENT, )  
 )  
 v. )  
 )  
 JOHN ARTHUR THOMAS, )  
 )  
 APPELLANT, )  
 )  
 \_\_\_\_\_ )

IN THE SOUTH CAROLINA  
 COURT OF APPEALS  
 APPELLATE CASE NO.: 2015-000720

AFFIDAVIT  
**RECEIVED**  
 AUG 15 2017  
 SC Court of Appeals

PERSONALLY appeared before me, JOHN ARTHUR THOMAS, who being duly sworn, deposes and says:

1. I am the appellant in the above-captioned case.
2. On February 11, 2014, I was indicted by the Berkeley County Grand Jury for attempted murder and possession of a weapon during the commission of a violent crime.
3. On February 17-19, 2015, I proceeded to trial before the Honorable Kristy L. Harrington and a jury. The jury found me not guilty of attempted murder, but guilty of the lesser-included offense of assault and battery of a high and aggravated nature (ABHAN).
4. Following a sentencing hearing on March 23, 2015, I received a sentence of ten years imprisonment, suspended upon the service of four years of incarceration and three years of probation.
5. I filed a timely notice and John H. Strom of the South Carolina Office of Appellate Defense was appointed to represent me.
6. I understand that my appeal is currently pending before this Court and that, in the event my appeal is successful, I will receive a new trial in Berkeley County.

**RECEIVED**  
 AUG 15 2017  
 APPELLATE DEFENSE

55


7. I understand that, in the event of a new trial, the Ninth Circuit Solicitor's Office will have complete prosecutorial discretion in handling my case and that ABHAN carries a maximum sentence of twenty years.

8. I am currently fifty-eight years old and my projected release date is March 24, 2018.

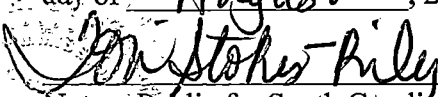
9. I have been informed that if I drop the appeal that I forever waive those issues that could be raised. Counsel Strom has advised me of the collateral consequences of my conviction, including that I will most likely be unable to work on government contracts and that I am prohibited from owning a firearm.

10. In light of the risks which have been explained to me, it is my desire to have my appeal dismissed. I have made this decision on my own, with a full understanding of all the possible consequences of this action.

11. I do not wish to continue my appeal.

  
John Arthur Thomas

SWORN TO before me this 8<sup>th</sup>  
day of August, 2017.

  
Tori Stokes-Riley (L.S.)  
Notary Public for South Carolina  
My Commission Expires: 10-14-2024

