

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

IN THE SOUTH CAROLINA COURT OF APPEALS  
APPELLATE CASE NO. 2017-000781

THE STATE, )

Respondent, )

v. )

CLARENCE ASHBY, III )

Appellant. )

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NOV 30 2017  
SC Court of Appeals

AFFIDAVIT OF CLARENCE ASHBY, III

PERSONALLY appeared before me, Clarence Ashby, III, who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. On July 9, 1979, I was indicted by an Aiken County Grand Jury for murder and armed robbery. On July 11, 1979, when I was seventeen years old, I pled guilty to murder and armed robbery as indicted. I was sentenced to life with the possibility of parole for murder and twenty years consecutive for armed robbery.
3. On October 3, 2016, I filed a petition for resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014). A hearing was convened on February 28, 2017 before the Honorable Doyet A. Early, III. I was represented by De Grant Gibbons, Esquire. By order dated March 20, 2017, Judge Early found I was not entitled to resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014) since I am eligible for parole pursuant to South Carolina law.
4. I understand that I am entitled to an appeal from the circuit court's ruling that I am not entitled to resentencing pursuant to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014),

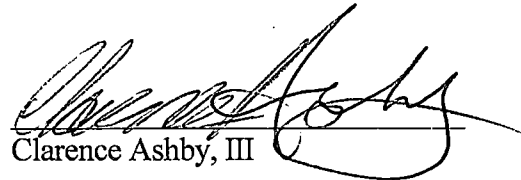
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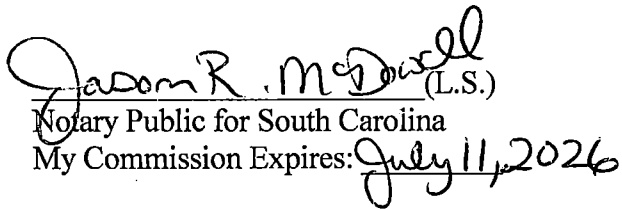
*LC*

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.

5. 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.
6. I have made this decision on my own, with a full understanding of all the possible consequences of this action.
7. I do not wish to appeal.

  
Clarence Ashby, III

SWORN TO before me this 28<sup>th</sup>  
day of November, 2017.

  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: July 11, 2026



# 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) 734-1343  
Facsimile: (803) 734-1397

Joseph L. Savitz, III, Chief Attorney  
Wanda H. Carter, Deputy Chief Attorney

November 30, 2017

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SC Court of Appeals

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

Re: The State v. Clarence Ashby, III  
Appellate Case No. 2017-000781

Dear Ms. Kitchings:

The initial brief of appellant and designation of matter in this case are due to be served and filed with this Court on December 27, 2017. Mr. Ashby has decided to drop his appeal, as evidenced by the enclosed affidavit. I have reviewed with him the consequences of dropping the appeal and I am in agreement with his decision. Because he has been informed of the advantages and disadvantages of pursuing this appeal, I believe he has made his decision knowingly and voluntarily.

I respectfully request that an order be issued dismissing this appeal. By copy of this letter, I am informing Senior Assistant Deputy Attorney General J. Benjamin Aplin of Mr. Ashby's decision.

Thank you for your assistance in this matter.

Sincerely,

Lara M. Caudy  
Appellate Defender

LMC/meb

Enclosure

cc: J. Benjamin Aplin, Esquire