

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APR 12 2018

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Jocelyn Newman, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2017-002456

Vinay Tandon, Petitioner,

v.

State of South Carolina, Respondent.

Petition to Dismiss Appeal

Counsel for Vinay Tandon petitions this Court for an order dismissing Mr. Tandon's appeal of the Circuit Court order denying his application for post-conviction relief ("PCR"). This request is based on the following grounds:

1) On January 14, 2014, Mr. Tandon pled guilty to second-degree assault and battery in Richland County. Mr. Tandon is from India, and the terms of the guilty plea required him to leave the United States within 48 hours. Mr. Tandon left the country. He continues to live outside the United States.

2) Mr. Tandon subsequently retained undersigned counsel to file a PCR. Counsel filed the PCR on or about October 29, 2014. By written order dated October 11, 2017, the Circuit Court dismissed Mr. Tandon's PCR. By written order dated October 25, 2017, the Circuit Court denied Mr. Tandon's Rule 59(e), SCRCF motion.

3) Counsel and Mr. Tandon planned to discuss the possibility of an appeal. Between counsel's court schedule, the Thanksgiving Holiday, and Mr. Tandon residing overseas, counsel was not able to speak with Mr. Tandon prior to the deadline to file the appeal. In order to protect Mr. Tandon's rights, counsel filed the notice of appeal.

4) Since filing the notice of appeal counsel communicated with Mr. Tandon. After discussing the matter, Mr. Tandon informed counsel he did not desire to appeal. Counsel sent Mr. Tandon a statement to sign stating he wanted to dismiss the appeal. Although Mr. Tandon has not returned that statement, he again confirmed his desire not to appeal.

5) Counsel believes Mr. Tandon's decision not to appeal the denial of his PCR is knowing, intelligent, and voluntarily.

Counsel, therefore, respectfully requests this Court issue and order dismissing this appeal.

IT IS SO MOVED.

Respectfully Submitted,

By



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Attorney for the Petitioner

April 9, 2018
Greenwood, South Carolina

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Certificate of Service

I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

Jessica Kinard, Esquire
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211



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April 9, 2018

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April 9, 2018

The Honorable Daniel E. Shearouse
Clerk of Court, S.C. Supreme Court
P.O. Box 11330
Columbia, SC 29211

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S.C. SUPREME COURT

Re: *Vinay Tandon v. State of South Carolina*
Case Number 2014-CP-40-06921

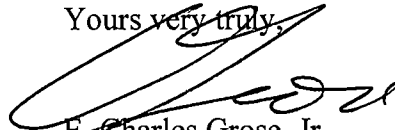
Dear Mr. Shearouse:

Enclosed for filing, please find the original and six copies of the petition to dismiss this appeal, along with a certificate of service.

Thank you for your attention to this matter. Please let me know if you have any questions or require additional information.

With kindest regards, I am

Yours very truly,



E. Charles Grose, Jr.

cc: Jessica Kinard, Esquire

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The Honorable Daniel E. Shearouse
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