



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

October 29, 2018

RECEIVED

OCT 29 2018

S.C. SUPREME COURT

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: James David Sherfield v. The State
Appellate Case No. 2018-000431

Dear Mr. Shearouse:

As evidenced by the enclosed affidavit, Mr. Sherfield has elected to drop his appeal of the denial of his post-conviction relief application. I have discussed the consequences of dropping the appeal with Mr. Sherfield in writing and over the telephone. Because Mr. Shefield's decision to drop his appeal of the denial of post-conviction relief is knowing, intelligent, and voluntary after thoroughly discussing the advantages and disadvantages, I respectfully request that the Court issue an order dismissing Mr. Sherfield's appeal of the denial of his post-conviction relief.

By copy of this letter, I am informing DeShawn H. Mitchell of the Office of the Attorney General of Mr. Sherfield's decision.

Thank you for your time and assistance in this matter.

Sincerely,

Taylor D. Gilliam
Appellate Defender

TDG/meb

Enclosure

cc: DeShawn H. Mitchell, Esquire
James David Sherfield

STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

JAMES DAVID SHERFIELD

PETITIONER,

vs.

THE STATE,

RESPONDENT,

IN THE SOUTH CAROLINA
SUPREME COURT

AFFIDAVIT


PERSONALLY appeared before me, James Sherfield, who being duly sworn, deposes and says:

1. I am the petitioner in the above-captioned case.
2. I understand that Appellate Defender Taylor Gilliam has filed a two-issue petition for writ of certiorari in the South Carolina Supreme Court in my case on August 22, 2018.
3. Without waiving attorney-client confidentiality, by way of written letter dated October 16, 2018 and following multiple telephone conversations with Appellate Defender Taylor Gilliam, I have been informed of the possible consequences of either continuing with this proceeding or dropping this case.
4. I am aware that I am on parole until approximately February 5, 2021 and that dropping this appeal will prevent any challenges to my plea counsel's effectiveness or any other matters arising out of my guilty plea dated May 12, 2016 or evidentiary hearing held June 29, 2017. If my parole is revoked, my legal challenges will be severely limited as a result of my decision to drop this appeal.

5. Recognizing all of the above, I request that the South Carolina Office of Appellate Defense withdraw the Petition for Writ of Certiorari to the South Carolina Supreme Court in my case and dismiss my appeal, as it is my desire not to appeal this action.


James Sherfield

SWORN TO before me this 24th
day of Oct, 2018.

 (L.S.)
Notary Public for South Carolina

My Commission Expires: Sept. 15th
2025

LISA R. MANLEY
Notary Public, State of South Carolina
My Commission Expires Sept. 15, 2025

