



The Supreme Court of South Carolina

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January 29, 2019

Robert Michael Dudek, Esquire
PO Box 11589
Columbia SC 29211

Re: Eric D. Marsh v. State
Appellate Case No. 2018-001996

Dear Counsel:

Enclosed is correspondence indicating that your client wishes to withdraw this appellate case. Since you are counsel in this case, no action will be taken on this *pro se* request. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

Instead, any motion to withdraw and dismiss this case will have to be made by you as counsel. This motion should indicate that you have explained the consequences of withdrawal with your client, and that you believe that your client understands those consequences and is making a knowing and intelligent decision to withdraw and dismiss this case. The motion should be accompanied by an affidavit signed by your client indicating that you have explained the consequences of withdrawal, with him, that your client fully understands those consequences, and that your client

desires to have this appellate case withdrawn and dismissed.¹

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'D' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: Sherrie Butterbaugh, Esquire

¹ For your convenience, I have enclosed a sample affidavit.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

IN THE SUPREME COURT
OF
SOUTH CAROLINA

_____, PETITIONER,)

v.)

AFFIDAVIT

STATE OF SOUTH CAROLINA, RESPONDENT.)

PERSONALLY appeared before me, _____, who being sworn, deposes and says:

1. I am the petitioner in the above case.
2. A notice of appeal has been filed on my behalf in this matter. I understand that I have a right to seek appellate review and that I am entitled to an appointed attorney to assist me due to my indigent status. It is my desire to withdraw the notice of appeal.
3. The attorney representing me in this matter has advised me of the consequences of withdrawing this appeal. If the appeal is withdrawn, I understand that the notice of appeal will be dismissed and this will mean that the decision of the circuit court will be the final decision in this matter. I understand that I will not be able to seek review in this matter at some later time.
4. I have made the decision to withdraw this appeal. This decision is made of my own free will with a full understanding of the consequences of withdrawing this appeal. I request that the notice of appeal be withdrawn and that the notice of appeal be dismissed.

Signature of Petitioner

SWORN TO before me this _____
day of _____, 20_____.

Notary Public for South Carolina
My Commission Expires: _____