

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
 )  
The State, )  
 )  
Respondent, )  
 )  
v. )  
 )  
Marquise Kayron Devon Kinloch, )  
 )  
Appellant. )  
\_\_\_\_\_ )

IN THE SOUTH CAROLINA  
COURT OF APPEALS

**RECEIVED**  
MAY 15 2019  
SC Court of Appeals

AFFIDAVIT

PERSONALLY appeared before me, Marquise Kayron Devon Kinloch, who being duly sworn, deposes and says:

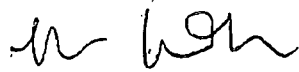
1. I am the appellant in the above captioned case.
2. I understand that I am entitled to an appeal of my conviction, and that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Commission of Appellate Defense.
3. I understand that, on February 27, 2019, the South Carolina Court of Appeals granted the Motion to Appoint Counsel and appointed Joseph Edward Fornadel, III as my counsel.
4. In reference to my appeal and following his review of the record, I spoke with Mr. Fornadel via telephone on two separate occasions regarding arguments to be raised in my appeal, as well as possible outcomes related to those arguments.
5. I discussed with Mr. Fornadel that there are colorable issues that could be raised in my appeal that may result in a new trial.
6. Despite the existence of these issues and my discussions with Mr. Fornadel regarding the same, I am electing to drop my direct appeal.

7. I have been informed that if I drop my direct appeal that I forever waive those issues that could be raised in state court on direct appeal and in a federal habeas corpus proceeding.

8. In light of the risks which have been explained to me, it is my desire that Mr. Fornadel drop the appeal formerly filed on my behalf.

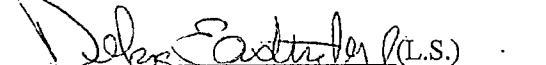
9. I have made this decision on my own, with a full understanding of all the possible consequences of this action.

10. I do not wish to appeal.



Marquise Kayron Devon Kinloch

SWORN TO before me this 6  
day of May, 2019.

  
Notary Public for South Carolina  
My Commission Expires: 3/3/2020

THE DEPARTMENT OF CORRECTIONS HAS NOT CENSORED  
THIS ITEM. THEREFORE, THE DEPARTMENT DOES NOT  
ASSUME RESPONSIBILITY FOR ITS WRITTEN CONTENTS  
LEE CORRECTIONAL INSTITUTE  
SC DEPARTMENT OF CORRECTIONS

**RECEIVED**

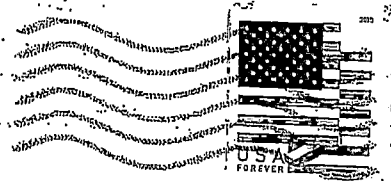
MAY 06 2019

LEE CI MAIL ROOM

Mr. Marquise Kayron Devon Kinloch  
SCDC ID #00376366  
Lee Correctional Facility  
990 Wisacky Highway  
Bishopville, SC 29010

COLUMBIA SC 290

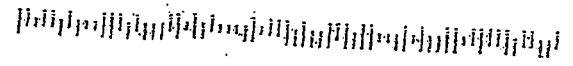
05 MAY 2019 PM 11



Mr. Joe Fornadel, Esquire  
Nelson Mullins  
Post Office Box 11070  
Columbia, SC 29211

received  
05-08-2019

29211-107070





Joseph E. Fornadel  
T 803.255.9227  
joe.fornadel@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

1320 Main Street | 17th Floor  
Columbia, SC 29201  
T 803.799.2000 F 803.256.7500  
nelsonmullins.com

May 15, 2019

**RECEIVED**  
MAY 15 2019  
SC Court of Appeals

**Via Hand Delivery**

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

Re: The State v. Marquise Kayron Devon Kinloch – Appellate Case No. 2018-001043

Dear Ms. Kitchings:

Mr. Kinloch has decided to drop his appeal, as evidenced by the enclosed affidavit. I reviewed with him the consequences of dropping the appeal. 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 J. Benjamin Aplin, Esquire of my client's decision.

Thank you for your assistance in this matter.

Sincerely,

/s/ Joseph E. Fornadel, III  
Joseph E. Fornadel, III  
Attorney for Appellant

Enclosure

cc: J. Benjamin Aplin, Esquire (via email)  
Robert M. Dudek, Esquire (via email)



NELSON MULLINS RILEY & SCARBOROUGH LLP

Attention: Kimberly H. Lanier

Post Office Box 11070

Columbia, SC 29211-1070

[nelsonmullins.com](http://nelsonmullins.com)

**RECEIVED**

**MAY 15 2019**

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201