

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

August 1, 2019

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

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AUG 01 2019

S.C. SUPREME COURT

Re: Eric Wayne Watkins v. The State  
Appellate Case No. 2018-002096

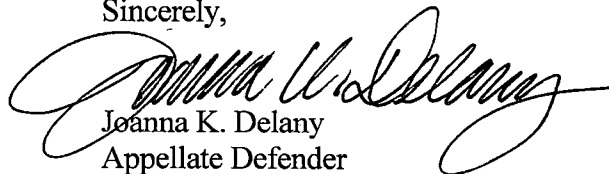
Dear Mr. Shearouse:

Mr. Watkins has decided to drop the appeal of the denial of his post-conviction relief application, as evidenced by the enclosed affidavit. I have reviewed with him the consequences of dropping the appeal and am in agreement with his decision. He has been informed of the advantages and disadvantages of pursuing this appeal, and I believe he has made his decision knowingly and voluntarily.

I respectfully request that an order be issued dismissing Mr. Watkins' appeal of the denial of his post-conviction relief application. Additionally, I respectfully request the timelines for filing be held in abeyance pending the Court's decision on the motion to withdraw his appeal.

By copy of this letter, I am informing Taylor Z. Smith, Esquire, of the Office of the Attorney General of my client's decision. Thank you for your assistance in this matter.

Sincerely,



Joanna K. Delany  
Appellate Defender

JKD/cs  
Enclosure

cc: Taylor Z. Smith, Esquire  
Eric Wayne Watkins, #317253

STATE OF SOUTH CAROLINA )  
COUNTY OF PICKENS )

IN THE SOUTH CAROLINA SUPREME COURT  
APPELLATE CASE NO. 2018-002096

ERIC WAYNE WATKINS, )

Petitioner, )

v. )

AFFIDAVIT OF ERIC WAYNE WATKINS

STATE OF SOUTH CAROLINA )

Respondent. )

PERSONALLY appeared before me, Eric Wayne Watkins, who being duly sworn, deposes and says:

1. I am the petitioner in the above captioned case.
2. A Pickens County Grand Jury indicted me in June 2015 for burglary in the first degree and petty larceny. My case was called to trial on May 24, 2017 before the Honorable Robin Stilwell, and a jury. Before the jury was sworn, I pled guilty as indicted. Judge Stilwell sentenced me to fifteen years for the first degree burglary and thirty days for the petty larceny.
3. On April 17, 2018 I filed an application for post-conviction relief (PCR). An evidentiary hearing was convened on October 25, 2018 before the Honorable Alex Kinlaw, Jr. I was represented by Richard H. Warder, Esquire. By order filed November 12, 2018, Judge Kinlaw denied me relief from my convictions and sentences. On November 20, 2018, my attorney filed a notice of appeal.
4. On July 22 and 23, 2019, I spoke with Appellate Defender Joanna Delany by phone about the advantages and disadvantages of moving forward with the appeal and withdrawing my appeal. On July 23, 2019, I requested Ms. Delany move to dismiss my appeal. I received a letter from Ms. Delany dated July 24, 2019 in which she explained the dangers and disadvantages of withdrawing my appeal. I have reviewed that letter and understand the consequences of my actions.
6. I understand that I am entitled to an appeal of the denial of my application for post-conviction relief, and that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Division of Appellate Defense. I have been informed that if I withdraw my appeal that I forever waive those issues that could be raised.

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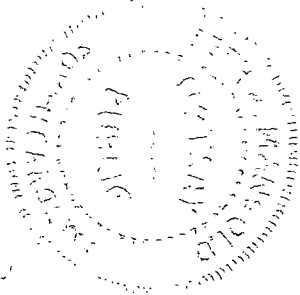
S.C. SUPREME COURT

7. In light of the risks which have been explained to me, it is my desire that the South Carolina Division of Appellate Defense withdraw my appeal formerly filed on my behalf.
8. I have made this decision on my own, with a full understanding of all the possible consequences of this action.
9. I do not wish to appeal the denial of post-conviction relief.

Eric Watkins  
Eric Wayne Watkins

SWORN TO before me this 29<sup>th</sup>  
day of July, 2019.

B. Mangold (L.S.)  
Notary Public for South Carolina  
My Commission Expires: BETH A. MANGOLD  
Notary Public, State of South Carolina  
My Commission Expires 8/10/2028



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