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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

February 19, 2013

RECEIVED

FEB 19 2013

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

S.C. Supreme Court

Re: State v. Thomas Smart, Appellate Case No. 2012-213382

Dear Mr. Shearouse:

Mr. Smart has decided to drop his petition for writ of certiorari, as evidenced by the enclosed affidavit. I have reviewed with him the consequences of dropping the petition. 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 petition for writ of certiorari. By copy of this letter, I am informing Christina Catoe, Esquire of my client's decision.

Thank you for your assistance in this matter.

Sincerely,

*Susan B. Hackett*

Susan B. Hackett  
Appellate Defender

SBH/eab

Enclosure

cc: Christina Catoe, Esquire  
Thomas Smart #299433

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEE )  
  
THE STATE, )  
 )  
Respondent, )  
 )  
v. )  
 )  
THOMAS SMART )  
 )  
Petitioner. )  
 )  
\_\_\_\_\_ )

IN THE SOUTH CAROLINA SUPREME COURT  
APPELLATE CASE NO.: 2012-213382

AFFIDAVIT

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FEB 19 2013

OFFICE  
OF APPELLATE DEFENSE

PERSONALLY appeared before me, Thomas Smart, who being duly sworn, deposes and says:

1. I am the petitioner 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 Office of Appellate Defense. I have been informed that if I drop my direct appeal that I forever waive those issues that could be raised.
3. I am aware that the South Carolina Court of Appeals affirmed my conviction in an unpublished opinion. State v. Smart, Op. No. 2012-UP-371 (Ct. App. filed June 20, 2012). I am aware that the Court of Appeals denied my petition for rehearing on September 20, 2012. My attorney filed a petition for writ of certiorari on my behalf on December 12, 2012.
4. In light of the risks which have been explained to me, it is my desire that the South Carolina Office of Appellate Defense drop the petition for writ of certiorari formerly filed on my behalf.
5. I have made this decision on my own, with a full understanding of all the possible

consequences of this action.

6. I do not wish to proceed with my petition for writ of certiorari.

Thomas A. Smart

Thomas Smart

SWORN TO before me this 13  
day of February, 2013.

Way Thoma (L.S.)

Notary Public for South Carolina

My Commission Expires: September 19, 2015