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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

February 6, 2020

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

RECEIVED

FEB 06 2020

SC Court of Appeals

ORIGINAL

Re: Brian Edward Norris v. State
Appellate Case No. 2019-000426

Dear Ms. Kitchings:

On October 18, 2019, I filed a Johnson Petition for Writ of Certiorari, Petition to be Relieved as Counsel, and an accompanying Appendix in this case with the Supreme Court. By Order dated December 9, 2019, the Supreme Court transferred this appeal to this Court pursuant to Rule 243(l) of the South Carolina Appellate Court Rules.

Mr. Norris has decided to withdraw his appeal as evidenced by the enclosed affidavit. I have reviewed with him the consequences of dropping the appeal as well as the advantages and disadvantages of pursuing this appeal.

I respectfully request that an order be issued dismissing this appeal. By copy of this letter, I am informing Taylor Z. Smith, Esquire of my client's decision. Thank you for your assistance in this matter.

Sincerely,

Lara M. Caudy
Appellate Defender

LMC/lmm

Enclosure

cc: Taylor Z. Smith, Esquire
Brian Edward Norris, #307297

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)
BRIAN EDWARD NORRIS,)
Petitioner,)
v.)
STATE OF SOUTH CAROLINA)
Respondent.)

IN THE SOUTH CAROLINA COURT OF APPEALS
APPELLATE CASE NO. 2019-000426

AFFIDAVIT OF BRIAN EDWARD NORRIS


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SC Court of Appeals

PERSONALLY appeared before me, Brian Edward Norris, who being duly sworn, deposes and says:

1. I am the petitioner in the above captioned case.
2. In February 2017, a Pickens County Grand Jury indicted me for possession of methamphetamine with intent to distribute, third offense. On August 28, 2017, I pled guilty as indicted before The Honorable Letitia H. Verdin. Judge Verdin sentenced me to eleven years' imprisonment. I did not file a direct appeal.
3. On January 20, 2018, I filed an application for post-conviction relief (PCR). The matter proceeded to a hearing on October 22, 2018, before the Honorable Alex Kinlaw. I was represented by R. Mills Ariail, Esquire. By order filed November 12, 2018, Judge Kinlaw denied me relief from my conviction and sentence. On March 13, 2019, my attorney filed a notice of appeal.
4. On or about June 14, 2019, my case was assigned to Lara M. Caudy, Esquire with the Office of Appellate Defense. Ms. Caudy filed a Johnson Petition for Writ of Certiorari and accompanying appendix with the Supreme Court on October 18, 2019. By order dated December 9, 2019, my appeal was transferred by the Supreme Court to the Court of Appeals pursuant to Rule 243(l) of the South Carolina Appellate Court Rules.
5. By letter dated January 17, 2020, I informed Ms. Caudy that I wish to withdraw my appeal from the denial of my application for post-conviction relief. I received a letter from Ms. Caudy dated January 27, 2020, 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 post-conviction relief,

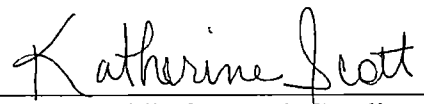
and that, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Office of Appellate Defense. I have been informed that if I withdraw my appeal that I forever waive those issues that could have been raised.

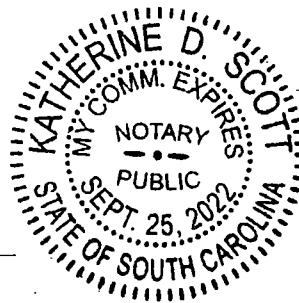
7. In light of the risks which have been explained to me, it is my desire that the South Carolina Office of Appellate Defense withdraw the notice of appeal formerly filed on my behalf.
8. I have made this decision on my own, with a full understanding of all the possible consequences of this action.
9.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



Brian Edward Norris

SWORN TO before me this 3rd
day of February, 2020.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 9/25/2022



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