

RECEIVED

Jul 06 2021

SC Court of Appeals

From: TDSLAW
To: [Court Of Appeals Filings; "Melody Brown"](mailto:Court Of Appeals Filings; 'Melody Brown')
Cc: tdslaw@shurlinglaw.com
Subject: RE: State v. Charles E. Mungin, III; Appellate Case No. 001614
Date: Tuesday, July 6, 2021 6:07:03 PM

Status Report:

In order to expedite getting an affidavit from Mr. Mungin, I have made arrangements for a visit with him at Lieber Correctional tomorrow. I am also scheduled to see three other Clients there on Thursday. I will fax his Affidavit to the Court tomorrow afternoon. I will file his formal Motion to Withdraw the direct appeal Friday along a copy of the affidavit. I will have the original Affidavit delivered to the Court on Monday, July 12, 2021, which will be the next day I have a runner available to bring the document to the Court. Thank you very much.

Tara D. Shurling

Tara Dawn Shurling
Attorney at Law
S.C. Bar No. 5099

ATTORNEY FOR APPELLANT

From: TDSLAW [mailto:tdslaw@shurlinglaw.com]
Sent: Thursday, July 01, 2021 6:57 PM
To: 'ctappfilings@sccourts.org'; 'Melody Brown'
Cc: 'tdslaw@shurlinglaw.com'
Subject: FW: Charles Mungin

Immediately after receiving confirmation that my last email to the Court had been filed, the Client changed his mind and decided he really does want to withdraw his direct appeal. I have forwarded his late afternoon email to the Court. Since he had changed his mind once earlier today, I got a message to him to call me and had a subsequent telephone conference with him during which I was able to personally confirm that he was sure about his decision. I will file a formal Motion to Withdraw as quickly as I

can, hopefully tomorrow. An Affidavit in support of this Appellant's Motion to Withdraw will be sent to the Client's SCDC email account with instructions for him to return it to me signed and notarized immediately. For now, I can assure the Court that I have discussed this important decision with my client many, many times. While it is unusual with such a serious case, on this record, I regrettably believe he is making a wise, albeit difficult choice. I am shutting my network down now, due to lightening in the area, but I will get the affidavit out to the Client right away. Thank you so much for your assistance in this matter.

I hope you and your families have a happy and safe Fourth of July.

**Tara Dawn Shurling
Attorney at Law
S.C. Bar No. 5099**

From: Charlie Mungin [mailto:charliemungin821@gmail.com]
Sent: Thursday, July 01, 2021 4:54 PM
To: tdslaw@shurlinglaw.com
Subject: Re: Charles Mungin

Dear Ms. Shurling

After much thought, and the opportunity to discuss this issue with you many times, I have decided to withdraw my direct appeal in favor of proceeding with a post-conviction relief action. I have had more than adequate opportunity to discuss this difficult decision with you on many occasions. Now that I understand the contemporaneous objection rule as it exists in South Carolina, I understand that I could not win a direct appeal on the issues that were not properly preserved at trial. I have made the decision after spending hours discussing potential issues with you, and having you explain to me why the issues were either not preserved, or were issues properly raised in a PCR; not a direct appeal. I understand that a post-conviction relief action is not a substitute for a Direct Appeal and that you would be advising me not to withdraw my direct appeal if you thought there were meritorious issues, properly preserved for review by the court of appeals, present in my case.

I understand that I will not have an opportunity to change this decision at a later date. I do however understand that I would have the right to raise a claim of ineffective assistance of appellate counsel against you should I subsequently establish you failed to discuss a good direct appeal issue with me that was properly preserved. Having discussed this important issue with you at great length, I am writing to advise you that I want to withdraw my direct appeal. Although we have discussed this decision at great length on many occasions, I freely acknowledge that I have made this decision of my own free will and that my choice is voluntarily made with the benefit of extensive advice from you.

I understand that I will be sent a formal affidavit for my signature and agree to have my signature notarized and the affidavit returned to your law firm as quickly as possible.

I understand and agree that the fees paid for the direct appeal will be applied to the fees for your representation in the PCR action to be filed within ten (10) days of the Order if the Court of Appeals dismissing my direct appeal. You have agreed that I will owe no further fees for the circuit court PCR action and that the only thing that would not be covered by the fees already paid would be any expert witnesses that might become necessary for the PCR.

I have had plenty time to discuss this decision with you and am satisfied that I am making a wise decision concerning this matter. Thank you again,

Charles E. Mungin, III
#381392

On Thu, Jul 1, 2021, 4:52 PM Charlie Mungin <charliemungin821@gmail.com> wrote:

Dear Ms. Shurling

After much thought, and the opportunity to discuss this issue with you many times, I have decided to withdraw my direct appeal in favor of proceeding with a post-conviction relief action. I have had more than adequate opportunity to discuss this difficult decision with you on many occasions. Now that I understand the contemporaneous objection rule as it exists in South Carolina, I understand that I could not win a direct appeal on the issues that were not properly preserved at trial. I have made the decision after spending hours discussing potential issues with you, and having you explain to me why the issues were either not preserved, or were issues properly raised in a PCR; not a direct appeal. I understand that a post-conviction relief action is not a substitute for a Direct Appeal and that you would be advising me not to withdraw my direct appeal if you thought there were meritorious issues, properly preserved for review by the court of appeals, present in my case.

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I have had plenty time to discuss this decision with you and am satisfied that I am making a

wise decision concerning this matter. Thank you again,

Charles E. Mungin, III
#381392