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SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Aug 30 2021

SC Court of Appeals

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

August 30, 2021

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: State of South Carolina v. Bobby Joe Miles, Appellate Case No.: 2020-000448

Dear Ms. Kitchings:

Mr. Miles has decided to drop his appeal, 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 this appeal. Additionally, I respectfully request the timelines for filing be held in abeyance pending the Court's decision on the motion to withdraw.

By copy of this letter, I am informing William Blich, Jr., Esquire of my client's decision. Thank you for your assistance in this matter.

Sincerely,

/s/ Joanna K. Delany

Joanna K. Delany
Appellate Defender

JKD/kk

Enclosure

cc: William Blich, Jr., Esquire
Bobby Joe Miles, #385285

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
)
STATE OF SOUTH CAROLINA,)
)
Respondent,)
)
v.)
)
)
BOBBY JOE MILES,)
)
)
Appellant.)
_____)

IN THE SOUTH CAROLINA COURT OF APPEALS
APPELLATE CASE NO. 2020-000448

AFFIDAVIT OF
BOBBY JOE MILES

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PERSONALLY appeared before me, Bobby Joe Miles, 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 appeal 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.
3. A Greenville County Grand Jury indicted me in December 2019 for carjacking, attempted kidnapping, and possession of a weapon during the commission of a violent crime. My case was called to trial on April 21, 2021, before the Honorable R. Scott Sprouse and a jury. I was sentenced to concurrent terms of imprisonment of six years for carjacking, six years for attempted kidnapping, and five years for possession of a weapon during the commission of a violent crime.
3. On April 22, 2021, my attorney filed a notice of appeal.
4. Appellate Defender Joanna Delany was assigned to represent me in my case.
5. In July of 2021, I spoke with Ms. Delany on the telephone about the possibility of dismissing my appeal. On August 18, 2021, I spoke with Ms. Delany again by telephone and requested she move to dismiss my appeal. I received a letter from Ms. Delany dated August 18, 2021, 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 a direct appeal of my convictions and sentences,

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.

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.
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.

SWORN TO before me this 23rd
day of August, 2021.


Bobby Joe Miles


(L.S.)
Notary Public for South Carolina
My Commission Expires: 04-12-2031