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Nov 17 2021

SC Court of Appeals



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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

November 17, 2021

Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Dear Ms. Kitchings:

The initial brief and designation of matter in this case are due to be served and filed with this Court on December 3, 2021. Mr. Armstrong has decided to drop his appeal, as evidenced by the enclosed affidavit. I have reviewed with him the consequences of dropping the appeal and I agree with his decision. 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 appeal. By copy of this letter, I am informing Matthew Buchanan, General Counsel for SC Department of Probation, Parole and Pardon Services, of Mr. Armstrong's decision.

Please let me know if the Court requires anything further from myself or Mr. Armstrong on this case.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jessica M. Saxon".

Jessica M. Saxon
Appellate Defender

JMS/kpw

CC: Matthew Buchanan, Esquire

Re: Appeal Number 2021-000737 The State v. Justin Allan Armstrong

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
THE STATE,)
)
Respondent,)
)
v.)
)
JUSTIN ALLAN ARMSTRONG)
)
Appellant.)
_____)

IN THE SOUTH CAROLINA COURT OF APPEALS
APPELLATE CASE NO. 2021-000737

AFFIDAVIT OF JUSTIN ALLAN ARMSTRONG

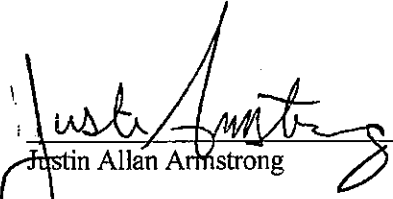
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PERSONALLY appeared before me, Justin Allan Armstrong, who being duly sworn, deposes and says:

1. I am the appellant in the above captioned case.
2. On October 5, 2021, I spoke with Appellate Counsel Jessica M. Saxon via telephone about the appeal process and my interest in pursuing post-conviction relief. As a result of that conversation Counsel Saxon wrote me a letter explaining that I could continue my direct appeal or waive my direct appeal and pursue PCR.
3. After careful consideration of my options I informed Counsel Saxon via telephone on October 26, 2021, that I wanted to drop my direct appeal.
4. 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 and that I will not be able to directly appeal this matter again.
5. Understanding the risks which have been explained to me, both in writing and over the phone, it is my desire that the South Carolina Office of Appellate Defense withdraw the notice of appeal formerly filed on my behalf.

6. I have made this decision on my own, with a full understanding of all the possible consequences of this action.

7. I do not wish to appeal.


Justin Allan Armstrong

SWORN TO before me this 12
day of November, 2021.


Notary Public for South Carolina (L.S.)

My Commission Expires: 12-01-2025