

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA)	
Plaintiff,)	
)	FROM RUTHERFORD COUNTY
v.)	
)	
SARAH COVINGTON)	15 CRS 164
ANDERSON)	
Defendant.)	
)	

APPELLANT’S MOTION
TO WITHDRAW APPEAL

COMES NOW the Appellant, Defendant, SARAH COVINGTON ANDERSON (hereinafter referred to as “ANDERSON”) by and through JEFFREY M. COOPER and BENJAMIN N. COOPER with the COOPER LAW FIRM, P.C. counsel, hereby respectfully moves the North Carolina Court of Appeals pursuant to North Carolina Rule of Appellate Procedure 37(e)(2) that the Court allow her to withdraw the pending appeal. In support of this motion, Appellant shows the following:

1. The trial court entered an order on August 6, 2015 which disqualified Appellant's retained counsel, JOSHUA B. FARMER and MARK N. MORRIS of TOMBLIN, FARMER & MORRIS, PLLC.
2. The trial court entered an order on August 27, 2015 denying defendant's motion to reconsider disqualification of JOSHUA B. FARMER and MARK N. MORRIS of TOMBLIN, FARMER & MORRIS, PLLC.
3. Appellant filed a Notice of Appeal on September 10, 2015.
4. During the time that passed from the filing of the Notice of Appeal and March 1, 2016, JOSHUA B. FARMER and MARK N. MORRIS of TOMBLIN, FARMER & MORRIS, PLLC no longer represent ANDERSON (see attached Exhibit A) and ANDERSON has retained JEFFREY M. COOPER and BENJAMIN N. COOPER with the COOPER LAW FIRM, P.C. to represent her.
5. JEFFREY M. COOPER and BENJAMIN N. COOPER filed a Notice of Appearance on March 4, 2016 with the Rutherford County Clerk of Court (see attached Exhibit B).
6. Upon information and belief, there is a factual error in the Appellant's brief upon which the Appellant's base this appeal. ANDERSON and JUSTIN BROCK COVINGTON are siblings, but are not the biological or adopted children of BROOKE MCFADDEN COVINGTON and there

is no blood or legal relationship to BROOKE MCFADDEN COVINGTON. BROOKE MCFADDEN COVINGTON had temporary custody of ANDERSON for a very short period of time while she was a minor. BROOKE MCFADDEN COVINGTON had legal custody of JUSTIN BROCK COVINGTON from the age of twelve (12) until the age of eighteen (18). BROOKE MCFADDEN COVINGTON never adopted ANDERSON or JUSTIN BROCK COVINGTON.

7. Appellant believes that the issues raised are moot as JOSHUA B. FARMER and MARK N. MORRIS of TOMBLIN, FARMER & MORRIS, PLLC no longer represent her.
8. The STATE OF NORTH CAROLINA does not oppose this request.

WHEREFORE Appellant prays this Honorable Court allow ANDERSON to withdraw her appeal.

This the 10th day of March, 2016.

/s/ Benjamin N. Cooper
Benjamin N. Cooper
Cooper Law Firm, P.C.
Bar No. 45950
Attorney for ANDERSON
PO Box 369
Arden, NC 28704
(888) 364-2949
ben@sentrylaw.com

/s/ Jeffrey M. Cooper
Jeffrey M. Cooper
Cooper Law Firm, P.C.
Bar No. 39598
Attorney for ANDERSON
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Arden, NC 28704
(888) 364-2949
jeff@sentrylaw.com

I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

CERTIFICATE OF SERVICE

Respondent-Appellant's Motion to Withdraw Appeal was filed and served electronically:

North Carolina Court of Appeals
P.O. Box 2779
Raleigh, NC 27602

Respondent-Appellant's Motion to Withdraw Appeal was filed and served by US Mail:

Rutherford County District Attorney's Office
Attn: Mr. Garland Byers
229 N. Main St.
Rutherfordton, NC 28139

Tomblin, Farmer & Morris, PLLC
187 N. Washington St.
Rutherfordton, NC 28139

This the 10th day of March, 2016.

/s/ Benjamin N. Cooper
Benjamin N. Cooper
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Arden, NC 28704
(888) 364-2949
jeff@sentrylaw.com

I certify that all of the attorneys listed below have authorized me to list their names on this document as if they had personally signed it.

Exhibit A

Cooper Law Firm, P.C.

Jeffrey M. Cooper, JD, CPA

PO BOX 369
ARDEN, NC 28704
PHONE: (888) 364-2949
FAX: (800) 745-0081

March 1, 2016

SENT VIA E-MAIL AND CERTIFIED MAIL

Joshua B. Farmer
Mark N. Morris
Tomblin, Farmer & Morris, PLLC
187 N. Washington St.
Rutherfordton, NC 28139

RE: State v. Sarah Covington Anderson
15 CRS 164 and COA 16-71

Dear Mr. Farmer and Mr. Morris,

This letter is to inform you that I no longer need your representation in the above cases, as I have retained Jeffrey Cooper and Benjamin Cooper with the Cooper Law Firm to represent me. This letter serves as formal notice to you that I am discharging you and your firm within the meaning of the North Carolina Rules of Professional Conduct 1.16(a)(3).

Please send my file, including all information in your possession related to my defense including but not limited to the following: attorney notes, witness lists, affidavits, contents of meetings with witnesses, videos, recordings, text messages, e-mails, etc. to the Cooper Law Firm, PO Box 369, Arden, NC 28704. I thank you in advance for your timely cooperation, and I request that this information be turned over to the Cooper Law Firm within ten days of receipt of this letter.

I do NOT give consent for you to continue to represent other co-defendants in this matter and hereby revoke any prior consent I may have given. I believe that your firm's continued representation of co-defendants in the above matter may be directly adverse to me, and may materially limit your responsibilities to me as a former client (North Carolina Rules of Professional Conduct Rule 1.7(a)).

Please also send my file, including all information in your possession, related to the civil case Robert Louis Walker, Jr. and Sarah Covington Anderson v. Jerry Cooper (Rutherford County File 15 CVS 32) including but not limited to attorney notes, deposition transcripts, witness lists, affidavits, contents of meetings with witnesses, videos, recordings, text messages, e-mails, etc.

Sincerely,



Sarah Anderson

Exhibit B

FILED

STATE OF NORTH CAROLINA
RUTHERFORD COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15 CRS 164

2016 MAR -4 PM 2:44

STATE OF NORTH CAROLINA,

RUTHERFORD COUNTY, C.S.C.

vs.

SARAH COVINGTON ANDERSON,

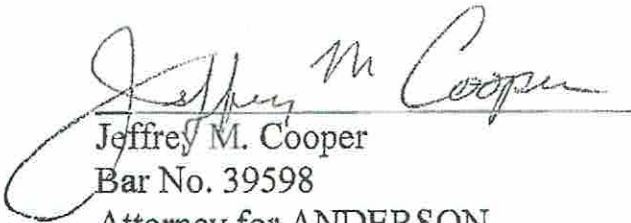
Defendant

NOTICE OF APPEARANCE

THE UNDERSIGNED ATTORNEYS hereby gives Notice of Appearance as the Attorney of Record for the Defendant, SARAH COVINGTON ANDERSON. Please direct all documents regarding this matter to the undersigned.

Respectfully submitted this 3 day of March, 2016.

Cooper Law Firm, P.C.


Jeffrey M. Cooper
Bar No. 39598

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