

**NORTH CAROLINA COURT OF APPEALS**

\*\*\*\*\*

STATE OF NORTH CAROLINA, )  
 )  
 Plaintiff, )  
 vs. )  
 )  
 BROOKE MCFADDEN )  
 COVINGTON and JUSTIN )  
 BROCK COVINGTON, )  
 )  
 Defendants. )

**From Rutherford**

\*\*\*\*\*

**APPELLANTS’ MOTION TO WITHDRAW APPEAL**

\*\*\*\*\*

NOW COME the Appellants, Brooke McFadden Covington and Justin Brock Covington (“the Appellants”), by and through Joshua B. Farmer and Mark N. Morris of Farmer and Morris Law, PLLC, and hereby respectfully move the North Carolina Court of Appeals pursuant to North Carolina Rule of Appellate Procedure 37(e)(2) to allow them to withdraw their pending appeal. In support of this motion, the Appellants show to the Court the following:

1. On October 5, 2015, this Court granted the Appellants’ petition for writ of certiorari for the appellate review of the August 6, 2015 and August

- 27, 2015 orders of the trial court of Rutherford County disqualifying the attorneys of Farmer and Morris Law, PLLC (formerly Tomblin, Farmer and Morris, PLLC) from representing the Appellants in the above-referenced criminal matters.
2. At the time that the Appellants filed their petition for writ of certiorari in this case, their co-defendant Sarah Covington Anderson (“Anderson”) was also represented by the attorneys of Farmer and Morris Law, PLLC, and the Appellants as well as Anderson were seeking joint representation by the attorneys of Farmer and Morris Law, PLLC.
  3. On March 4, 2016, Anderson retained the independent counsel of Jeffrey Cooper and Benjamin Cooper to represent her for her criminal matter. On March 10, 2016, Anderson moved this Court to withdraw her appeal, and the Court granted such motion.
  4. The remaining Appellants, Brooke McFadden Covington and Justin Brock Covington, desire to withdraw their appeal.

WHEREFORE the Appellants pray to this Honorable Court to allow them to withdraw their appeal.

Respectfully submitted, this the 17<sup>th</sup> day of March, 2016.

FARMER & MORRIS LAW, PLLC

Electronically filed

Joshua B. Farmer  
Attorney for Appellants  
Post Office Box 632  
Rutherfordton, North Carolina 28139  
(828) 286-3866  
State Bar No. 32669  
jfarmer@farmerlegal.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.

FARMER & MORRIS LAW, PLLC

Electronically filed

Mark N. Morris  
Attorney for Appellants  
Post Office Box 632  
Rutherfordton, North Carolina 28139  
(828) 286-3866  
State Bar No. 32846  
mmorris@farmerlegal.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he/she this day served a copy of the foregoing **APPELLANTS' MOTION TO WITHDRAW APPEAL** upon the counsel listed below by depositing the same in the United States mail, postage prepaid, addressed as follows:

Attorney General of NC, Criminal Division  
ATTN.: Joseph Hyde, Assistant Attorney General  
9001 Mail Service Center  
Raleigh, North Carolina 27699

Rutherford County District Attorney's Office  
Attn: Mr. Garland Byers  
229 North Main Street  
Rutherfordton, North Carolina 28139

This the 17<sup>th</sup> day of March, 2016.

FARMER & MORRIS LAW, PLLC

Electronically filed

Joshua B. Farmer  
Attorney for Appellants  
Post Office Box 632  
Rutherfordton, North Carolina 28139  
(828) 286-3866  
State Bar No. 32669  
jfarmer@farmerlegal.com