

# Exhibit 3

**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**RECORD NO. 22-4580**

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**UNITED STATES OF AMERICA,**

**Plaintiff/Appellee,**

**v.**

**MARK ANTHONY CRUDUP, JR. ,**

**Defendant/Appellant.**

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**APPEAL FROM THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA**

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**MOTION TO WITHDRAW**

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Charles R. Brewer  
ATTORNEY AT LAW  
79 Woodfin Place, Suite 211  
Asheville, NC 28801  
(828) 251-5002  
NC Bar No. 6051  
[crboffice@aol.com](mailto:crboffice@aol.com)

*Counsel for Appellant*

NOW COMES Charles R. Brewer, court-appointed counsel for the defendant, moving to withdraw from any further representation in this matter. The undersigned sent the defendant a letter dated August 31, 2023, advising him of the unfavorable unpublished decision of the Fourth Circuit. In that letter he was advised that he had the right to file a petition for certiorari with the US Supreme Court within 90 days. Further, the undersigned advised defendant that the undersigned could see no basis for such filing; however, if he wanted a petition filed to please advise within 45 days. Thereafter, on October 20, 2023, the undersigned spoke with defendant by phone and again advised defendant that the undersigned could see no basis for such filing; however, the undersigned advised defendant that the undersigned would review the matter yet again before making a final determination. The undersigned has done so and concludes there is no basis for the filing of a petition for a writ of certiorari. Consequently, the undersigned is moving to withdraw to allow defendant to file a *pro se* petition with the Supreme Court or to retain counsel to do so.

A copy of this motion will be served upon defendant by US Mail today, and the undersigned is hereby advising him that he has the right to file a response to this motion within seven days. Further, the undersigned is advising the defendant that he can obtain information on the filing of a *pro se* petition for writ of certiorari from the Supreme Court of the United States, Office of the Clerk, Washington, DC

20543-0001. Further, defendant is advised that the undersigned will file a certiorari form with this Court today and will serve a copy of that form on him.

This the 31st day of October, 2023.

s/Charles R. Brewer  
Charles R. Brewer  
Counsel for Appellant  
79 Woodfin Place, Suite 211  
Asheville, NC 28801  
(828) 251-5002

#### CERTIFICATE OF SERVICE

The undersigned certifies that on October 31, 2023, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

David A. Bragdon  
[usance.ecfappeals@usdoj.gov](mailto:usance.ecfappeals@usdoj.gov)

Further, a copy of the foregoing motion has been served upon defendant via United States Mail with sufficient postage affixed to the following address:

Mark Anthony Crudup, Jr.  
65340-056  
FCI McDowell  
PO Box 1009  
Welch, WV 24801

This the 31<sup>st</sup> day of October, 2023.

s/ Charles R. Brewer  
Charles R. Brewer

