

STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

S.C. SUPREME COURT

George M. McFadden, Jr., Circuit Court Judge

Appellate Case No. 2022-000710
Lower Court Docket No. 2019-CP-40-0775

GEORDI JERRELL HEYWARD, #374238,

PETITIONER,

V.

State of South Carolina,

RESPONDENT.

PETITION TO REINSTATE
POST-CONVICTION RELIEF APPEAL
AND
REQUEST FOR LEAVE TO FILE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX
OUT OF TIME

NOW COMES the Petitioner in the above captioned PCR Appeal, acting by and through his undersigned counsel, requesting that his PCR Appeal be reinstated and that he be permitted to file his Petition for Writ of Certiorari, and the Appendix thereto, out of time. In support of this request, Counsel for Petitioner would show unto this Honorable Court the following.

I have had bad fall allergies all my adult life and am regrettably often sick in the fall due to those issues. This year I experienced all the same problems I am used to combating, but they started earlier and were more severe than usual. I developed secondary infections in both my ears and my sinuses very early this year and was put on two ten (10) day courses of Levaquin, a very strong

antibiotic, on July 28, 2022 and again on September 26, 2022. The second round of antibiotics did not seem to help very much, so I took a COVID rapid test just to be cautious. The results were negative, but by the week of October 10th I was much sicker. This Court graciously granted my subsequent request, filed October 11, 2022, for an extension of time in which to file the Certiorari and Appendix in this matter. That Order gave Petitioner until October 14, 2022 to file the petition and appendix in this PCR appeal. Somehow Counsel did not see that Order. In my defense, I did check my email daily. My only explanation is that I was extremely sick by then.

On October 19th my internist advised that I take a PCR COVID test and I did on that same date. On October 20, 2022, my doctor informed me that I had tested positive. That same date, he put me on *Paxlovid*, an extremely strong antiviral medication to combat the COVID virus. Other than going to my office very briefly for a scheduled telephone conference, I have been home sick since October 11, 2022. This was my second bout with the COVID virus and, despite being vaccinated, I was much sicker this time than I was the first time I had COVID in February, 2022. From what reading I have done, it is not an uncommon occurrence for a second COVID infection to be worse than the first. In my case it also came on the heels of respiratory issues I had already been experiencing for weeks with my allergies and related infections.

In addition to having a bad case of COVID, I did not react well to the Paxlovid antiviral medication. While I am grateful for the protection it provided me, in this instance the medication was as difficult on me as the virus. I have been unable to eat for days at a time and even now that I have completed the medication, I am still experiencing side effects that have kept me from working for more than thirty to forty minutes at a time. I have no idea which of these lingering symptoms is from the COVID virus itself and which are due to my reaction to the PAXLOVID medication. I do know that in addition to a cough, I remain extremely fatigued even though I have slept constantly

for the last two weeks. Although I continue to have headaches, nausea and some intermittent blurred vision, I am grateful to say that I am nevertheless much improved and grateful.

As regards this case, I was able to compile the Appendix and have it sent to be printed before I started the antiviral medication. It is here at my office and ready to file. I had worked on the Petition for Writ of Certiorari in this matter a lot before I came down with COVID. Thankfully, I do not have a great deal of work to do to finish this certiorari petition. I came to the office this afternoon for the sole purpose of drafting and filing this Petition to Reinstate this PCR appeal. I respectfully ask that the Court reinstate this appeal and grant Petitioner leave to file his Petition for Writ of Certiorari and Appendix within ten (10) days of the date of this Honorable Court's Order reinstating this appeal. I was not sent a copy of the lab report on my PCR COVID test, as I was notified of the results directly by my internist. In case the Court wishes to have a copy of that report, I intend to have a copy emailed to me tomorrow. Undersigned Counsel promises to complete this stage of this appeal sooner than the ten days requested if at all possible. At present, however, it is difficult for me to project when I will be well enough to complete this petition because it is simply difficult to read or write due to the deep cough, blurred vision, and headaches I am continuing to experience. My prayer is that asking for ten (10) days I am insuring that I will have sufficient time to recover and complete this petition. I have not contacted opposing counsel in this matter, Megan H. Jameson, as it is my understanding that she is either already on maternity leave or is about to be. I trust she will have her office convey her position regarding this request directly to the Court. I will be most grateful for this consideration.

Respectfully submitted,

S/ *Tara D. Shurling*

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This 31st day of October, 2022