

LAW OFFICE OF

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March 29, 2023

The Honorable Patricia A. Howard  
Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, S.C. 29211

**RECEIVED**

**Mar 29 2023**

**S.C. SUPREME COURT**

**Re: Ashley Tavelle Prior, SCDC No. 290973 v. State; Appellate Case No. 2022-00564.**

Dear Ms. Howard:

It was a pleasure speaking with you yesterday concerning my Notice of Appearance and my request for an extension of time in which to file a Response to the *Johnson Petition for Writ of Certiorari* submitted in this matter by Katherine H. Hudgins, Esquire. As I noted in my letter dated March 27, 2023, I have very recently been retained in the above captioned Post-Conviction Relief Appeal for the limited purpose of drafting, serving and filing a Response to the *Johnson Petition for Writ of Certiorari* submitted in this matter. I initially wondered whether retained counsel could file such a Response, however, I immediately recalled that I had seen multiple cases over the years where retained lawyers had been permitted to file *Anders* Briefs in direct appeals and I believed I had seen the same thing occur with *Johnson* Petitions being filed by counsel retained to perfect PCR appeals as well.

After filing my letter on March 27, 2023, it occurred to me that I perhaps should have alternatively asked to be substituted as Counsel of Record in this PCR appeal and possibly should have requested leave of court to submit an Amended Petition for Writ of Certiorari. I was reluctant to pursue that route because I have a high opinion of the work and reputation of Katherine H. Hudgins, Esquire. On the other hand, I honestly do not see a huge difference between allowing a retained lawyer to file an *Anders* Brief or a *Johnson* Petition. In my nearly forty-four years of practice, I have seen many clients who lacked the basic abilities and education to put their thoughts about appellate counsel's opinion that their appeal lacked merit in writing in a format that is necessary for convincing legal arguments. At this point, I would ask that the Court reconsider its current position that a PCR Applicant is not entitled to hire counsel to respond to a no merit position filed in an *Anders* in a direct Appeal, or, a *Johnson* Petition for Writ of Certiorari filed in a direct appeal. Alternatively, I would ask to be substituted as Counsel of Record for this PCR Appeal and would ask for leave of Court to submit an amended Petition for Writ of Certiorari in this matter. As a third option, I would ask that I be permitted as advisory counsel in much the same way lawyers are sometimes directed to serve to give advice and counsel where the Defendant at trial wishes to proceed *pro se*. As always, I serve at the direction of this Honorable Court, while trying to zealously protect my Client's right to due process of law. I remain,

Sincerely,

S/ *Tara D. Shurling*

Attorney at Law

S.C. Bar No. 5099

TDS/ts

Cc: Megan H. Jameson, Esquire  
Katherine H. Hudgins, Esquire  
Ashley Tavelle Prior, SCDC #290973