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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

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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 as counsel of record filing an Amended Petition for Writ of Certiorari. In the event the Court declines to grant any of these options, I would ask that Mr. Prior be granted the 45 day extension requested by me in order that he have adequate time to do draft, serve and file a pro se Response. While he desires for me to be permitted to draft his Response and to see to it that it is properly served and filed, he wishes to

have adequate time to file a *pro se* Response if that is the only option he is allowed to pursue. With my thanks, 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