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April 11, 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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Apr 11 2023

S.C. SUPREME COURT

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

Dear Ms. Howard:

I have written the Court twice, through you of course, concerning the above captioned matter. As I have waited for the Court's decision, I have continued to gather information concerning this case. Unfortunately, what the fair solution to the issue before the Court is has gotten more confusing by the minute. I now know that Mr. Prior is being housed in the Gilliam Psychiatric Unit at Kirkland Correctional Institution. I have also had the chance to read the *Blair* hearing held in this case and it is heart breaking. This Client was allegedly turned on to crack cocaine at age 12 by his own father. He has a long reported history of mental health issues and was heavily medicated at the time of his plea. Although he was asked by the Court whether he was taking anything at the time of his plea proceeding, he was cut off before being allowed to give the court a complete list of the medications he was taking. As early as July 14, 2014 the Petitioner was approved for Supplemental Security Income (SSI) and I have been told it was due to mental illness.

I have now been provided documentation concerning his history of mental health issues by a family member and hope to get the client to sign a waiver permitting these documents to be provided to the Court. Since I received them from a third party, and not a mental Health Caregiver, hospital or doctor, I might be being overly cautious in waiting for a waiver from him before sending the information to the Court. To be candid, I am not sure what the Client's rights are when the personal information in question is being provided by a third party. I also have not had time to read all the PCR records. It may be that this information is merely cumulative to records that were provided to the Court. I simply wanted to give the Court a status report as my concern remains that the Court may reach a decision quickly before I get a chance to determine what if anything else I might need to provide the Court. I have copied his lawyer from the Appellate Division at SCCID, Katherine H. Hudgins, on this letter. I am very familiar with her

work and know her to be a fine lawyer. My concern here is that this client may not be in any condition to write his own response to the *Johnson Petition* filed in this PCR appeal. If he can't, and no retained counsel is allowed to, I am not sure how the safeguards provided in the *Johnson* decision can be met. My concern is how this same issue might apply to any inmate who can't read and write, is slow intellectually, or as in this case, have multiple personality disorder or other mental health issues.

I will draft a waiver and get it sent to Mr. Prior right away; hopefully tomorrow. Since Mr. Prior is at Gilliam that means he is right here in Columbia. That should make it possible to get a quick turn around on my request for the waiver. I am asking the Court to stay any decision in this matter until I have been able to review the Appendix filed in this PCR and have a chance to see if the information I have been given was before the Court in this PCR action. 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