

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Richland County  
M. Rita Metts, Circuit Court Judge  
Appellate Case No. 2022-000679  
\_\_\_\_\_

**RECEIVED**

**May 01 2023**

S.C. SUPREME COURT

ROOSEVELT DOCTOR, #186661,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

\_\_\_\_\_  
**PETITION TO HAVE THE TIME LIMITS FOR FILING  
THE PETITION FOR WRIT OF CERTIORARI AND APPENDIX  
IN THE ABOVE CAPTIONED PCR APPEAL STAYED PENDING THE PREPARATION  
AND SERVICE OF A CORRECTED TRANSCRIPT OF THE PCR HEARING RECORD**  
\_\_\_\_\_

The time limits for preparing the Petition for Writ of Certiorari and Appendix in the above captioned PCR Appeal have been continued multiple times prior to today's date. Counsel for Petitioner acknowledges that those documents are now due for service and filing on today's date; May 1, 2023. Undersigned counsel for Petitioner further acknowledges that this Court's order granting her last extension request stated that there would be no further extensions in this matter.

Counsel was in Court in Spartanburg on May 17, 2023. I felt badly the night before, but did not want to ask that the case scheduled be continued, so I went to Spartanburg as scheduled. After returning to Columbia, I woke in the wee hours of Tuesday morning with my bottom right jaw inflamed and causing me a lot of pain. I was not able to get in the see my General Dentist until the afternoon of Wednesday, April 19<sup>th</sup>. When x-rays were taken, my dentist found that I had an infection around a damaged root on one molar and that infection extended into the adjacent molar as well. My regular dentist put me on an antibiotic and gave me pain medication to take until it could be determined what needed to be done next. The following day, Thursday,

April 20, 2023, I saw an oral surgeon who advised that one of the molars had to be removed, but that the other might could be saved depending on what they found after the antibiotics got the infection under control. He then changed the antibiotics I had been prescribed by my general dentist to something much stronger and my oral surgery was scheduled for last Tuesday, April 25, 2023. After examining my x-rays, the oral surgeon noted that I had damaged another molar on the upper left side and advised that it needed to be extracted before it became abscessed as well. I had two molars extracted on April 25th. While I waited for that surgery, the infection spread to under my right lower jaw line. I have now been on antibiotics and pain medication for thirteen days. Today is my first day off prescription pain medication and I have five more days to go on antibiotics.

I came in to my office today with every intention of finishing the Certiorari Petition and Appendix in this PCR appeal on today's date. There are relatively few issues in this case and I could have finished everything today. Unfortunately, in putting the Appendix together I discovered there are some real problems with the transcript of the PCR hearing previously provided to Appellate Defense and subsequently sent to me by the Court Reporter when I ordered a copy. I would have discovered these issues sooner if I had not been out sick and having surgery for the last two weeks.

When I reread this record today, I saw a few typographical errors, but they are not particularly worrisome compared with the list of formatting errors found in the PCR Hearing transcript listed below.

- The entire transcript in single spaced;
- The pages of the transcript are not numbered and *neither are the lines on each page. Petitioner asserts that these formatting errors would make it virtually impossible to properly cite to this record as provided.* ;
- Some lines are indented beyond normal indentation at the beginning of a paragraph;
- The PCR Hearing transcript has NO headers at all;

- ***The entire transcript is typed in 10 pt font***; new courier to be exact and the required font size is, as I understand it, must be at least 12 pt.;
- ***It appears that the pages of this transcript have more than fifty single spaced lines on each page; Between there being no page numbers, the font being too small and the single spacing of the content of each page, it would be impossible to correctly cite to the text found on each page.***
- Throughout the PCR Hearing Transcript, the left margin is 0.92, and the right margin is also 0.92. I believe for bound documents, the left margin is actually supposed to be slightly larger than the 1" margins required on all four sides on unbound documents;
- The entire transcript is left hand justified, ***but it is not justified on the right side***;
- The ***Index*** begins on the ***COVER*** page below the information called for on a transcript cover under the rules.

Unfortunately, I was not able to compile the Appendix and finish the Petition for Writ of Certiorari today due to these issues with the PCR Hearing Transcript. **See, Attachment A**, copy of PCR Hearing Transcript as provided by Court Reporter. I have discussed these problems with opposing counsel, Julianna E. Battenfield, Esquire, and I believe she is in agreement that this PCR appeal can not move forward until I am provided a corrected transcript of the PCR hearing to be included in the Appendix. I can not properly cite to the transcript in question if the pages are not properly numbered. To be clear, this is not an extension request. I could and would have finished the Certiorari Petition and the Appendix today, had I been provided a properly formatted transcript to work with. I am asking that the deadline for the service and filing of this Certiorari Petition and Appendix be stayed and set for a reasonable date after the corrected PCR Hearing Transcript is provided to Petitioner. I believe Counsel for Respondent is in agreement with this request inasmuch as it does not represent a departure from the current policy of the PCR Section of the Office of the Attorney General not to take a position ***on extension requests***. I trust she will notify the Court directly if my understanding of her position is not accurate. Petitioner asks that his undersigned Counsel be given a reasonable opportunity to finalize the Certiorari Petition

and Appendix after she receives a properly formatted, corrected transcript of his PCR hearing.

Respectfully submitted,

s/ *Tara D. Shurling*

Tara Dawn Shurling

Attorney at Law

SC Bar No. 5099

ATTORNEY FOR PETITIONER

Date : May 1, 2023

Cc: Julianna E. Battenfield, Esquire