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May 05 2023

SC Court of Appeals

**From:** [Tara Dawn Shurling](#)  
**To:** [Court Of Appeals Filings](#); [Mark Farthing](#)  
**Subject:** State v. Aaron McKenzie Capers; Appellate Case No. 000511  
**Date:** Friday, May 5, 2023 3:44:06 PM

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#### STATUS REPORT

Mr. Farthing previously notified me that he had forwarded a copy of the proposed Reconstructed Court's Exhibit No. 1 to Anne Williams, the General Sessions prosecutor in the above caption matter. He also provided Attorney Williams with a copy of the affidavit provided by Defense Counsel, Sharon Capers, attesting that the proposed reconstructed exhibit is accurate and complete. Yesterday, Mark Farthing sent me a copy of his Response to the Court's request for a report concerning the current status of our efforts to get the matter resolved so I can move forward with getting the Record on Appeal printed and filed.

I apologize to everyone for not responding more swiftly to the Court's request for a status report dated May 4, 2023. I had oral surgery on the 25th after developing an abscess around two molars. Unfortunately, I have been in a good bit of pain recovering from these two extractions and problems with nausea in connection with the antibiotics I am still taking. I worked Wednesday, but have been out sick again yesterday and today.

I have probably 85 percent of the materials for the ROA redacted for personal information and have those pages numbered as well. I should be able to get the Index done and ROA picked up by my printer by Tuesday. I am not certain how long it will take to get it back from the printer and filed. I will certainly request a fast turn around.

I totally agree with Mr. Farthing that the Psychiatric Evaluation should be submitted separately from the Record on Appeal if the Court grants my request to submit that document to the Court under seal. I request a ruling from the Court on that issue, as well as instructions as to whether I should list that document in the index and simply note that it has been submitted directly to the Court under Seal without including a copy in the ROA. My intent was to number those pages sequentially as the last page numbers for the ROA with the notation that since they are being submitted under seal, they are not physically included in the ROA. Please advise if there is anything else I should do to protect this portion of the record while still insuring it's convenient use by the Court.

I thank the Court for its patience and guidance in this unusual situation.

Tara  
Tara Dawn Shurling  
Attorney at Law

Sent from my iPhone