

Jun 08 2023

S.C. SUPREME COURT

From: tdshurling
To: [Clark, Ethel D.](#); [Supreme Court Filings](#)
Cc: juliannabattenfield@scag.gov; [Tommy Thomas](#)
Subject: Re: 2022000679
Date: Thursday, June 8, 2023 9:30:03 PM
Attachments: [2022000679.pdf](#)

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

My apologizes to the Court for not responding earlier. I intended to do so, but I have had ongoing dental problems, including oral surgery, that have interfered with my schedule.

Yesterday I was informed that some pre-trial motions would be heard next Tuesday in a murder case scheduled to go to trial the week of October 30th. I had to come to Ridgeland to meet with my client yesterday and today. I just signed out at the detention center at 4:25 PM.

The transcript issue was ultimately resolved when I became aware that this particular court reporter uses a software that results in any copies she provides digitally not being in the proper format required by the Court. When I reported the problems with the transcript I was provided digitally, I checked the file and the copy found there had the same issues with this record. I subsequently talked with Court Administration and was able to determine this had been a problem in the past. I went back and found another transcript in the file that had been mailed and put in the file in a separate folder. This is the first time I had ever been sent a digital copy of a transcript that did not match the mailed hardcopy. The Court Reporter has refined my payment for that digital copy. I have not deposited her check, so I can include a copy with my formal petition.

That was not the end of the problems with the transcript however. The index to the Applicant's PCR Exhibits did not list where Applicant's Exhibit No. 4 was introduced. Furthermore it referenced the documents comprising Applicant's Ex. 4 only as "documents."

I had my paralegal go to the Clerk of Court's Office to obtain certified copies of the PCR exhibits after confirming that PCR Counsel's file did not contain copies of the marked exhibits. I also checked with the AG's Office and they did not have them either. My paralegal was given certified copies of Applicant's Exhibits 1-3 which match the language in the PCR hearing transcript describing the exhibits. She was also handed a copy of a document marked Applicant's Ex. 4. Then she was handed a stack of other documents and told words to the effect that, "and then there is this stuff." I cross-referenced the portion of the PCR Hearing Transcript and that pile of documents provided to her did not appear to totally match the documents referenced by PCR Counsel, Tommy Thomas, as found in the record described as what was contained in this exhibit.

Since opposing counsel and PCR Counsel Tommy Thomas were at the PCR hearing and I was not, I next reached out to these lawyers for assistance concerning this exhibit. The missing exhibit was introduced by Mr. Thomas, but I reached out to them both and tried to get confirmation as to what was introduced as Applicant's Ex. No. 4. Opposing Counsel was not able to help me confirm the proper contents of this exhibit.

I have been in constant contact with Tommy Thomas about this matter. I advised him the transcript was still not correct because it failed to document how many documents were part of

this exhibit and neither did the record describe them. I have worked with Tommy Thomas in many cases and respect him as a colleague, but I kept getting vague answers as to what Applicant's Exhibit No. 4 should contain. I have emailed him numerous times and I have have spoken with him on the phone. I have repeatedly explained that time was of the essence and asked him to please confirm what documents he introduced as this exhibit and suggested that he might need to provide me an affidavit. Had the Court Reporter properly indexed these exhibits this delay would not have occurred. Furthermore, if Tommy had made clear on the record what documents comprised Applicant's Exhibit No. 4, this issue could have been resolved quickly.

I apologize that I did not send a status report to the Court. Just as I was nearly recovered from my first oral surgery April 25th, I once again awoke with terrible nerve pain. It turned out that I had broken a third molar and and my general dentist had to put me back on antibiotics. The broken tooth was temporarily patched and I am still on antibiotics pending a second oral surgery which will take place within a few more days. I will gladly provide the Court my records from my general dentist and my oral surgeon to confirm my ongoing problems with the infection and broken molars when I get back from Ridgeland. I will be back tonight and will request copies of those documents in the morning. Hopefully I can get the date of my second oral surgery at the same time. I only have a few more doses of the antibiotics I was given to take, so they should be able to give me a date tomorrow. I intended to send the court a status report concerning this matter, but I have been very sick with this infection and have had serious nausea from the antibiotics. I apologize for omission but sincerely hope the court will see that I have been trying my best to resolve the problems with this case.

I apologize for the format of this response to the Court's Order. I have drafted this in the parking lot upon my exit from the detention center. I will file a formal motion tomorrow. I will attached copies of my emails to Tommy Thomas to that motion.

I am sorry this is lengthy.

Tara Dawn Shurling
Attorney at Law
Sent from my iPhone

On Jun 8, 2023, at 10:58 AM, Clark, Ethel D. <edclark@sccourts.org> wrote:

For your records.

Thank you,
Ethel

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