

State of South Carolina
In the Supreme Court of South Carolina

County of Aiken
Appellate Case No, 2022-000564

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Jul 05 2023

S.C. SUPREME COURT

ASHLEY TAVELLE PRIOR, SCDC No. 290973,

Petitioner,

V.

State of South Carolina,

Respondent,

EXTENSION REQUEST FOR FILING
AMENDED PETITION FOR WRIT OF CERTIORARI
AND REQUEST THAT IT ACCEPTED FOR FILING OUT OF TIME.

Undersigned Counsel was initially hired by the Petitioner in the above captioned Post-Conviction Relief appeal to draft and file a response to the *Johnson Petition*, filed by former appellate counsel in this matter. This Honorable Court denied Petitioner's request to be allowed to do so by Order filed May 16, 2023. In that same order, however, Counsel's Motion to be Substituted as Counsel, and her request to be allowed to file an Amended Petition for Writ of Certiorari, were granted. Counsel was given thirty (30) days to file Petitioner's Amended Certiorari Petition.

On June 19, 2023, I advised this Honorable Court that I had continued to be ill with dental issues and requested a thirty (30) day extension of time in which to file the amended certiorari petition by July 15, 2023. Two days later, on June 21, 2023, Counsel checked the appellate case management system early in the morning and saw an entry indicating that my extension request had been *granted*. Given the fact that this was Counsel's first extension request since becoming counsel of record in this matter, Counsel had no reason to believe the length of her extension request might have been cut. Unfortunately, I had my second oral surgery that same morning at 9:30 A.M. I would ordinarily have immediately opened that order and read it in its entirety. I was, however, literally headed to the oral surgery clinic for my procedure when I saw the Court's Order. Unfortunately, I have still been sick since that surgery during which one additional molar was extracted and one section of gum was cut open in order to enable the surgeon to grind down a section of bone that was left jagged after my first surgery in April. I was not feeling well enough to go back and read the actual order entered the same date as my surgical procedure until late Friday June 23, 2023. It was then that I discovered that the new due date was set for June 26, 2023, not the July 15, 2023, date I had requested. I worked hard to

complete the Amended Certiorari Petition in time to file it by that date. Regrettably, in the days following the June 21, 2023, procedure I had a fever and was in pain.

I wrote the Court concerning this situation by e-mail addressed to the Honorable Patricia A. Howard, Clerk of Court, Supreme Court of South Carolina, and filed the same with the Court by email on June 26, 2023. At that time I requested a *second* extension at this stage of this appeal and asked for an additional seven (7) day extension in order to allow me to finish healing and to complete this petition for filing by July 3, 2023. To date, there has been no action taken on that request. Since that request, I have continued to have pain and fever associated with my last oral surgery. I have been put back on antibiotics. These recovery issues have been hampered by the fact that I had a life threatening allergic reaction to an antibiotic more than ten years ago. Approximately ten years before that, I had an earlier bad, but less serious, reaction to another antibiotic. As a result of those two allergic reactions, the list of antibiotics I am able to take is problematic. I have not tolerated the antibiotic I have been given before and after both my recent oral surgeries. I have had nausea, and other digestive issues, on this antibiotic. I have done my best to meet all my client's needs during this time period, despite being sick and in pain.

I am scheduled to see a new oral surgeon tomorrow, July 6, 2023, about a possible third oral surgery. I apologize to everyone for the inconvenience this has caused, but I can assure the Court and opposing counsel, that no one wishes for this condition be resolved more than I do and I am most anxious to perfect this appeal on behalf of Petitioner. At this time, I am asking that my *second* extension request at this stage of this PCR appeal since I became Counsel of Record in this PCR appeal, which is still pending before the Court, be amended to reflect my request that the Court reconsider my original request for a thirty (30) day extension to file the Amended Petition on behalf of Petitioner. Counsel asks that Petitioner's request to file his Amended Petition for Writ of Certiorari out of time be granted, and that his Amended Petition for Writ of Certiorari be accepted for filing on or before July 15, 2023. Counsel wishes to emphasize that she means no disrespect to the Court by asking for this consideration. Counsel has a pre-trial motions hearing in a Jasper County murder case scheduled for July 13th at 9:00 A.M. and she will be leaving for Ridgeland the day before, July 12, 2023, to insure she will be on time the morning of the 13th regardless of the traffic coming from Columbia. Counsel will be busy preparing for that hearing for two days before she leaves for Ridgeland for this proceeding. Her request for this extension would in effect give her the weekend after she returns from Ridgeland to complete this task since July 15th falls on a Saturday. Counsel would very much appreciate the Court's consideration of this request. Attached is my Certificate of Service on opposing Counsel, William Blitch, Esquire, by email.

S/ Tara D. Shurling

**Tara Dawn Shurling
Attorney at Law
SC Bar No. 5099**

This 5th day of July, 2023

Cc: William Blitch, Esquire