

STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas  
Edward W. Miller, Circuit Court Judge

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**Appellate Case No. 2012-212508**

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BRANDI LYNN TURNER-HOLDER, 313870,  
A/K/A BRANDI LYNN TURNER,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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**REPLY TO RETURN TO PETITION  
FOR WRIT OF CERTIORARI**

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**TARA DAWN SHURLING**  
Attorney and Counselor at Law

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**ATTORNEY FOR PETITIONER.**

**RECEIVED**

AUG 16 2013

**S.C. SUPREME COURT**

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S.C. SUPREME COURT

## Questions Presented

- I. Has the Petitioner failed to preserve certain allegations addressed in her petition for Writ of Certiorari by failing to argue sufficient supporting authority?
- II. Did the Petitioner waive appellate review for her question number 7 in her Petition for Writ of Certiorari?

## ARGUMENT

### Question I

The Respondent has alleged that the Petitioner has failed to preserve for appellate review several allegations addressed in her Petition for Writ of Certiorari. In support of this position, the Respondent argues the Petitioner's failure to cite to legal authority in her arguments addressing each of the issues. *See*, Return, Section II, pg. 11, Section III, pg. 14, Section IV, pg. 16 and Section VI, pg. 18.

Respondent's argument neglects to acknowledge that the argument portion of the Petition for Writ of Certiorari filed by the Petitioner contained a section, captioned *Standard of Review*, which set forth appropriate legal authority for the arguments set for in the Petitioner's PCR appeal. Petition, pgs. 8-9.

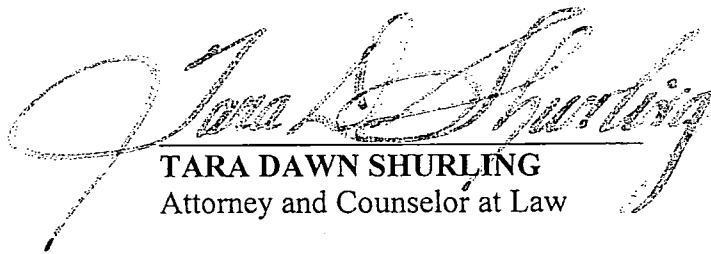
### Question II

In the Question Presented portion of the Petition for Writ of Certiorari, the Petition did list the issue addressed by Respondent in Section V of the State's Return. The Petitioner elected to waive presentation of that allegation in her PCR appeal. The inclusion of that issue in the Questions Presented portion of the petition was an inadvertent clerical error.

## CONCLUSION

Based upon the reasons and authorities set forth in her Petition for Writ of Certiorari, as well as herein, the Petitioner asks that the Writ be issued and that the Petitioner be afforded the opportunity to submit a full appellate briefing on the issues summarized in the petition filed in this PCR appeal. Alternatively, she would ask that this Honorable Court dispense with further briefing and grant her a new trial.

Respectfully submitted,



**TARA DAWN SHURLING**  
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ATTORNEY FOR PETITIONER

This 15<sup>th</sup> day of August, 2013.

STATE OF SOUTH CAROLINA  
In The Supreme Court

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**CERTIFICATE OF SERVICE**

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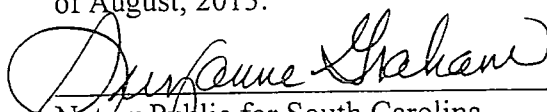
The undersigned attorney hereby certifies that a copy of the Reply to State's Return to Petition for Writ of Certiorari in the above-entitled case have been served upon opposing counsel, Karen C. Ratigan, Assistant Attorney General, this 15<sup>th</sup> day of August, 2013, by mailing one (1) copy in a stamped envelope properly addressed to:

Karen C. Ratigan, Assistant Attorney General  
Office of the Attorney General  
P O Box 11549  
Columbia, SC 29211

  
TARA DAWN SHURLING  
Attorney and Counselor at Law

ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 15<sup>th</sup> day  
of August, 2013.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: 2/28/2023

LAW OFFICE OF



**TARA DAWN SHURLING, PA**

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August 15, 2013

The Honorable Daniel E. Shearouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, SC 29211

RE: Brandi Lynn Turner-Holder, 313870, A/K/A Brandy Lynn Turner v. State of South Carolina;  
2010-CP-23-3160.  
Appellate Case No. 2012-212508

Dear Mr. Shearouse:

Enclosed for filing please find the original and six copies of the Reply to State's Return to Petition for Writ of Certiorari and my Certificate of Service in the above-captioned case. I would appreciate your clocking and returning the extra two (2) copies of the Reply in the envelope provided. Thank you for your assistance in this matter. I remain,

Sincerely yours,

A handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is fluid and cursive, with a large initial "T" and "S".

Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/sm  
Enclosures

cc: Karen C. Ratigan, Assistant Attorney General (w/enclosures)  
Brandi Lynn Turner-Holder, 313870 (w/enclosures)  
Benjamin L. Holder (w/enclosures)

**RECEIVED**

AUG 16 2013

S.C. SUPREME COURT