

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

E-Mail: tdslaw@shurlinglaw.com

(803) 738-8622

(Fax) (803) 738-1600

September 4, 2013

Katherine Luck Campbell, Deputy Asst. Solicitor
Fifth Circuit Solicitor's Office
P.O. Box 192
Columbia, SC 29202

RECEIVED

SEP 09 2013

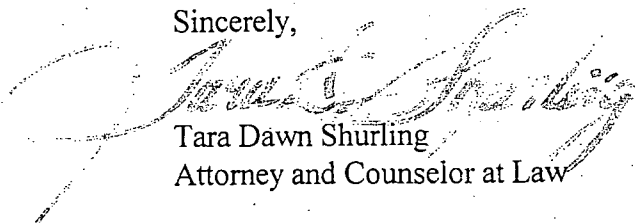
S.C. SUPREME COURT

RE: State v. Daydrian Rouse; 2009-GS-40-3721, 3722, 3723.

Dear Ms. Campbell:

Please find enclosed a copy of my May 2, 2013 letter to you along with a copy of the subpoena which was enclosed. I know getting another copy of the discovery package in this case poses an inconvenience to you and I sincerely apologize. Regrettably, there is nothing I can do about it. I did not realize I would need to introduce these materials as an exhibit in advance of this hearing or I would have made a copy before introducing the set I obtained from George Johnson's file. Mr. Johnson's staff has been kind enough to double check their file but unfortunately advises me that they do not have another set in the file from which to make me a copy. Please make what ever arrangements you need to comply with my subpoena and get me a copy of the discovery materials in this case as quickly as possible. Again, I regret any inconvenience this request causes you or your support staff. Frankly, in thirty-four (34) years of practice, this is the first time I have had an exhibit lost by a Court Reporter. Your help is greatly appreciated. I remain,

Sincerely,


Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: ✓ The Honorable Daniel E. Shearouse, Clerk of the Supreme Court of South Carolina (w/enclosures)
Dana Outen, Assistant to Luck Campbell (w/enclosures)
Megan Harrigan, Assistant Attorney General (w/enclosures)
Rob Corney, Esquire (w/enclosures)

LAW OFFICE OF



FILE COPY

TARA DAWN SHURLING, PA

Attorney and Counselor at Law
3614 Landmark Drive
Suite A
Columbia, South Carolina 29204

(803) 738-8622
(Fax) (803) 738-1600

E-Mail: tdslaw@shurlinglaw.com

May 2, 2013

Katherine Luck Campbell, Deputy Asst. Solicitor
Fifth Circuit Solicitor's Office
P.O. Box 192
Columbia, SC 29202

RECEIVED

SEP 09 2013

S.C. SUPREME COURT

RE: State v. Daydrian Rouse; 2009-GS-40-3721, 3722, 3723.

Dear Ms. Campbell:

We had a Post-Conviction Relief hearing in this case back on September 10, 2012. During that proceeding I introduced a complete set of the discovery materials you had provided George Johnson as a Plaintiff's Exhibit. At the end of the hearing I realized these materials hadn't been marked. I handed them to the Court Reporter in the presence of Assistant Attorney, Rob Corney, and asked that they be marked. I subsequently ordered an expedited transcript of the PCR hearing. When it arrived I discovered that these materials were not listed as an exhibit. I checked with the Clerk of Court's Office and they didn't have them filed as an exhibit. The Court Reporter said she didn't know what happened to that exhibit.

Fortunately, Rob Corney, then an Assistant Attorney General, remembered me giving these materials to the Court Reporter at the end of the hearing to be marked, without objection, as an exhibit for the Plaintiff/Applicant. He agreed to consent to a new copy being filed as an Exhibit. Unfortunately, I had given the Court Reporter the only set of these materials I had gotten from George Johnson. I thought my paralegal previously called your office a while back about getting a new complete set of the discovery materials provided to George Johnson, Esquire, during his representation of this defendant. My recollection is that we were told the file would have to be retrieved from storage. I never got these materials however, so I am afraid I may be mistaken about the earlier request.

This PCR Application has now been denied, and a Rule 59(e) Motion is pending because the Order of Dismissal did not cover one of our issues. I am enclosing a subpoena for this discovery package. I hate to send a subpoena, but time is running close for me to get this discovery package and have it filed with the Clerk of Court before I need to file a Notice of Appeal in this case. I have taken the

A handwritten signature, likely of the sender, Tara Dawn Shurling.

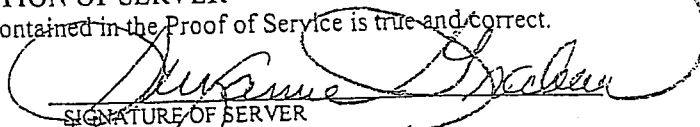
PROOF OF SERVICE

SERVED	DATE	FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$ _____
	PLACE	
SERVED ON (PRINT NAME) Katherine Luck Campbell, Asst. Solicitor		MANNER OF SERVICE U. S. Certified Mail and Regular U. S. Mail
SERVED BY (PRINT NAME) Suzanne Graham		TITLE Paralegal

DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct.

Executed on 5/2/113
DATE



SIGNATURE OF SERVER
Law Office of Tara Dawn Shurffing, PA
3614 Landmark Dr., Suite A Columbia, SC 29204
ADDRESS OF SERVER

Rule 45, South Carolina Rules of Civil Procedure, Parts (c) and (d):

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel production. Such an order to compel production shall protect any person who is not a party or an officer from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which the subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed at a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance; or
- (ii) requires a person who is not a party or an officer, director or managing agent of a party to travel more than 50 miles from the county where that person resides, is employed, or regularly transacts business in person, except that, subject to the provision of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from the county where the subpoena was served to the place within the state where the trial is held; or
- (iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena:

- (i) requires disclosure of a trade secret or other confidential research, development or commercial information, or
- (ii) requires disclosure of an un-retained expert's opinion or information not describing in specific words events or occurrences in dispute and resulting from the experts study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer, director or managing agent of a party to incur substantial expense to travel from the county where that person resides, is employed, or regularly transacts business in person, the court may, to protect a person subject to or affected by a subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - No Insurance Coverage Provided)

7011 0470 0000 0050 8353

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 1.46
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11

Postmark
Here

Sent To: Luck Campbell - Asst Sol.
 Street, Apt. No.,
 or PO Box No. P.O. Box 192
 City, State, ZIP+4 Columbia, SC 29202

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center; font-size: 1.2em;">MAY 07 2013</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em;">Luck Campbell Solicitor's Office P.O. Box 192 Columbia, SC 29202</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7011 0470 0000 0050 8353



Law Office of
Tara Dawn Shurling, P.A.
Attorney and Counselor at Law
3614 Landmark Dr., Suite A
Columbia, South Carolina 29204

FIRST-CLASS



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

RE: Daydrian Rouse

29211133030

