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S.C. SUPREME COURT

Exhibit #1

TARA DAWN SHURLING, PA
Attorneys and Counselors at Law
3614 Landmark Drive
Suite D
Columbia, South Carolina 29204

Jeremy A. Thompson
Associate Attorney

(803) 738-8622

Fax (803) 738-1600

E-Mail: tdslaw@shurlinglaw.com

August 5, 2010

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211-1330

RE: David Brown v. State of South Carolina; 2007-CP-15-436

Dear Mr. Shearouse:

In this PCR action this client represented to the Court that he was never advised that he could receive a life sentence if he pleaded guilty to murder. He was told repeatedly that if he went to trial and was found guilty he was going to get a life sentence. He insists that he did not realize he could still get a life sentence if he entered a plea of guilty. That issue was apparently developed in the client's first PCR action but, was not ruled upon in the Order of Dismissal. No Rule 59(e) motion was filed to address this oversight. The Applicant's second PCR was dismissed without a ruling on the merits. Judge Buckner allowed me to articulate the issue I felt should be heard from the third PCR application but, ultimately dismissed the application as successive. I argued that the issue was one which so impacted fundamental due process that he client should be allowed to be heard on the merits notwithstanding the fact that his PCR attorney in his first PCR action had not taken steps to insure that the issue was properly preserved by filing a Rule 59(e) motion when the Order of Dismissal was issued without findings of fact and rulings of law on this crucial issue. Specifically, I argued that this was one of those rare cases where the extraordinary circumstances provisions of Aice v. State, 305 S.C.448, 409 S.E.2d 392 (1991) should apply.

I continued to be deeply troubled by the pattern of court-appointed attorneys waiving issues for PCR appeals by failing to file motions pursuant to Rule 59(e) SCRPC, where an inmate has articulated the claim in his circuit court PCR action but, has not gotten an Order of Dismissal which contains the required findings of fact and rulings of law on all his issues. I would respectfully continue to assert that the ends of justice are not served by denying a PCR applicant his right to an appeal on an issue developed in the lower court because the Court neglected to make appropriate finds in the order and the PCR lawyer failed to take steps to bring that omission to the attention of the lower court. The problem is exacerbated by the fact that applicants represented by counsel are prohibited from filing *pro se* pleadings. Therefore, even if the applicant observes the omissions in his Order of Dismissal, he can not file a Rule 59(e) motion *pro se*.

I thank the Court for its time in consideration of this appeal and remain,

Sincerely,

Tara Dawn Shurling
Attorney and Counselor at Law

IDS:sg

cc: Matthew J. Friedman, Assistant Attorney General
David M. Brown, 267095

Exhibit # 2

441 S.C. 130

IN THE MATTER OF TARA DAWN SHURLING, RESPONDENT
APPELLATE CASE NO: 2023-0001523 AND 2023-0001524

SEPTEMBER 28, 2023

The Office of Disciplinary Counsel asks this Court to place Respondent on interim suspension pursuant to **Rule 17(b)** and **Rule 17(c)** of the **Rules of Lawyer Disciplinary Enforcement (RLDE)** contained in **Rule 413** of the **South Carolina Court Rules (SCACR)**. The petition also seeks appointment of the Receiver to protect the interests of Respondent's clients pursuant to **Rule 31, RLDE, Rule 413, SCACR**. It is ORDERED that Respondent's license to practice law in this state is suspended until further order of this Court.

Ms. Tara Dawn Shurlif
Attorney AT LAW
3615 Landmark Dr. Suite D
Columbia SC 29204

Exhibit #3

RE: Rule 59(E) Motion To Amend

Dear Ms. Shurlif,

I respond to you in regards to my PCR-
Under the Honorable Judge Keester stated I would be informed
through within 30 days of the convening of the evidentiary
hearing that was held June 23, 2008. Evenmore in case
Honorable Judge Keester does not rule on all of my PCR
issues, I request beforehand that you go ahead and
file a Rule 59(E) motion to include all the issues that
the Honorable Judge Keester failed to rule on. Lastly
I thank you dearly for your assistance in this very
important matter.

Sept 4th 2008

Bishopville South Carolina

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Eddie Geiger # 189709
Lee C.I S-5 Rm # 2156
990 Wiscacky Hwy
Bishopville S.C 29010

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SEP 4 2008

LEECI MAIL ROOM

151 Eddie Geiger



Exhibit #4

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FILE COPY

TARA DAWN SHURLING, PA

Attorney and Counselor at Law

3614 Landmark Drive

Suite D

Columbia, South Carolina 29204

(803) 738-8622

Fax (803) 738-1600

E-Mail: tdslaw@shurlinglaw.com

Jeremy A. Thompson
Associate Attorney

September 15, 2008

Eddie Geiger, 189709
Lee Correctional Institution Room #2156
990 Wisacky Highway
Bishopville, SC 29010

RE: Eddie Geiger, 189709 v. State of South Carolina; 2007-CP-40-1288.

Dear Mr. Geiger:

I am in receipt of your letter dated September 4, 2008. Although Judge Keesley has decided to rule against you, he has not yet signed the State's proposed Order of Dismissal. When he signs that Order and files it, I will receive a copy of it. I will then file a Rule 59(e), SCRCP, motion to alter or amend *if it does not address all of the issues which we raised at your PCR hearing*. If I determine that a Rule 59(e) motion is not needed, I will then file a Notice of Appeal on your behalf. Of course, once I receive the Order of Dismissal, I will send you a copy. Rest assured that I ensure that your issues are preserved for appeal. If we file a 59(e) motion, the Notice of Appeal will not be filed until after the judge rules on that motion.

I will send you more detailed information about each of these steps in the process if and when I need to take them. If you have any further questions or concerns, please do not hesitate to contact me. For now, I remain,

Sincerely yours,

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/ts

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