

STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

Ex Parte: Tara Dawn Shurling, Attorney, Appellant,

In Re:  
State of South Carolina, Respondent,

v.

Bejay Harley, Defendant

Appellate Case No. 2013-001298

---

RECEIVED

NOV 14 2013

SC Court of Appeals

---

Appeal from Richland County  
L. Casey Manning, Circuit Court Judge  
Court of General Sessions  
Trial Court Case No.: 2003-GS-40-6670

---

MOTION TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER  
OUT OF TIME

---

The Initial Brief and Designation of Matter in the above caption direct appeal was due for filing on October 3, 2013. On that date, Appellant requested a fourth extension in which to file this document. That Motion was served upon opposing counsel and was mailed to the Court on that date, duly post-marked October 3, 2013. As noted in that Motion, Counsel's staff contacted opposing counsel, J. Hugh Ryan, Deputy Director and General Counsel, SCCID, for his consent to that extension inasmuch as it was her fourth extension request at this stage of this appeal. He graciously consented to that request, however he was attending a CLE program on that date and was not available to verify his consent by signature. Counsel sent Mr. Ryan a copy of that motion and a request that he sign it and forward it to the Court at his earliest convenience.

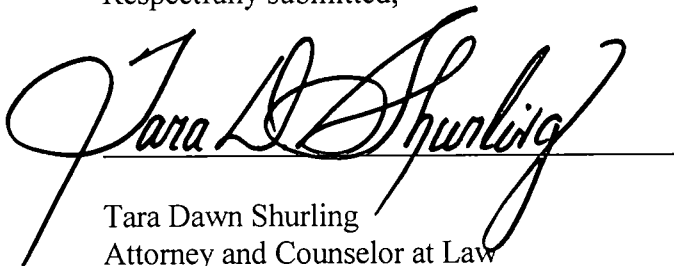
By Court Order dated October 23, 2013, Appellant was given until November 7, 2013 to file a Motion to File Initial Brief Out of Time along with the Initial Brief and Designation of Matter. Counsel had an oral argument in another case scheduled before this Honorable Court for November 4, 2013 which had to be rescheduled due to the passing of the Honorable Karen Williams and her funeral services which were held on that date. That argument was held on Tuesday, November 5th at 10:40 AM. Immediately following that argument, Counsel had to interview a client at an SCDC facility in preparation for a PCR hearing coming up on this coming Thursday, November 15, 2013 in Lexington, SC. Wednesday, Counsel was advised for the first time that the Fifth Circuit Solicitor's Office wished to interview one of her clients as a potential witness in the murder trial of one of his co-defendants which was already underway. In addition to having to visit with the client, and sit through his debriefing at the Fifth Circuit Solicitor's Office, Counsel already had a long standing commitment to host a fund raiser dinner for Fifth Circuit Solicitor Dan

Johnson at her home on the Thursday evening, November 7, 2013. With much regret, Counsel had no choice but to ask the Court to allow her to submit this Motion, and the Initial Brief in question, on today's date because I did not have adequate time to complete it on Friday, November 8th and yesterday, November 11<sup>th</sup>, my office was closed due to a state and federal holiday.

In the weeks following Counsel's third and fourth extension requests she had numerous court appearances in and pleadings due to various courts including, but not limited to, several PCR orders in extremely complex cases with orders exceeding 20 pages. In addition, Counsel had to prepare for and try a case which went to trial by jury the week of October 28th. Counsel's recent schedule has been hampered by her ongoing medical difficulties which have caused her to be in frequent pain, particularly at night, thereby hampering her ability to compensate for her unusually full calendar over the past three months. Counsel wishes to emphasize that she is much improved and that her health is in no serious danger. The problems she has suffered have, however, greatly affected her stamina recently and have kept her from catching up as quickly as she would ordinarily have during busy times in her practice. She is pleased to report that the course of treatment she has recently begun appears to be significantly helping her and therefore, that she hopes to be back to normal soon. She greatly appreciates everyone's patience with her during this difficult time.

By Court Order dated November 7, 2013, Appellant was given until today's date to file this Motion and the Initial Brief and Designation of Matter. Counsel was unable to complete the Initial Brief before the close of the business day today, however, this Motion and the Initial Brief are being mailed tonight, post-marked with today's date. Opposing Counsel, Hugh Ryan has been served with both the Initial Brief of Appellant and this Motion. The Appellant would be most grateful if the Court would see fit to accept this Initial Brief, and Designation of Matter, as timely filed

Respectfully submitted,

  
Tara Dawn Shurling  
Attorney and Counselor at Law

3614 Landmark Dr., Ste. A  
Columbia, SC 29204  
(803) 738-8622  
SC Bar No. 5099

ATTORNEY FOR APPELLANT.

This 12<sup>th</sup> day of November, 2013.