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February 4, 2014

SENT VIA EMAIL AND
HARDCOPY VIA U.S. MAIL TO CAMDEN OFFICE

RECEIVED

FEB 07 2014

S.C. SUPREME COURT

The Honorable J. Ernest Kinard, Jr.
Presiding Judge
Court of Common Pleas
P. O. Drawer 1707
Camden, SC 29021-1707

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

Dear Judge Kinard:

Please find enclosed a copy of my proposed order in the above captioned Post-Conviction Relief action. At the conclusion of the September 10, 2012 PCR hearing I introduced a copy of the discovery materials (including the MAIT Reports) in this case as an Applicant's Exhibit. That material was inadvertently not marked as an Exhibit and is not indexed in the PCR Hearing Transcript.

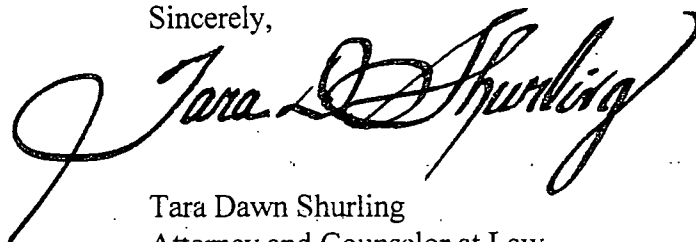
Fortunately, then Assistant Attorney General, Rob Corney, remembered my introducing the discovery materials as my last exhibit. He was kind enough to confirm this fact with Megan Harrigan who has now taken over the Fifth Circuit for the PCR Division of the Attorney General's Office. Ms. Harrigan and I have agreed to introduce a replacement copy of the discovery materials in this case as a Replacement Exhibit 4. On May 2, 2013 I sent a subpoena to the Fifth Circuit Solicitor's Office requesting a complete copy of all the discovery materials provided to trial counsel in this matter.

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 was kind enough to double check their file, but unfortunately advised me that they do not have another set in the file from which to make me a copy. Therefore, I obtained another copy from the Fifth Circuit Solicitor's Office. Unfortunately, it took a long time to get these materials from the Solicitor's Office because their file was in storage. When they initially sent me these materials after retrieving their file, the MAIT Report was missing. When I contacted them about this omission they acknowledged that the MAIT Report would have been provided with the discovery package. They then requested a copy of this Report from the Highway Patrol. It took a long time for them to get the report back from the Highway Patrol. Frankly, by the time I got it, I had forgotten that we needed to get an order from you. I am sorry to bore you with these details, but I felt I needed to explain why all of this has taken so long.

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My Petition for Writ of Certiorari and Appendix are due for filing on February 24, 2014. I will need to have this Exhibit filed with the Clerk of Court as Exhibit #4 and include a copy of the same in the Appendix. If this order meets with your approval I would appreciate your signing it and returning it in the enclosed self-address, stamped envelope and I will have it filed with the Clerk's office, along with the Exhibit. I am not sending Your Honor a copy of these discovery materials because they are quite voluminous; approximately 600 pages. Thank you for your assistance, I am,

Sincerely,

A handwritten signature in black ink, reading "Tara Dawn Shurling". The signature is written in a cursive, flowing style with a large initial "T".

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/enclosure)
Megan Harrigan, Assistant Attorney General (w/enclosure)
Rob Corney, Esquire (w/enclosure)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

DAYDRIAN J. ROUSE,)
)
Applicant,)
)
v.)
)
THE STATE OF SOUTH CAROLINA,)
)
Respondent.)
_____)

2011-CP-40-01921

**ORDER
PERMITTING FILING OF A
REPLACEMENT APPLICANT'S
EXHIBIT #4**

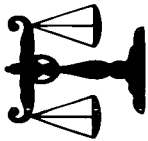
THIS MATTER comes before the Court by way of an Application for Post-Conviction Relief filed on March 22, 2011. The State filed its Return on September 21, 2011. An evidentiary hearing was convened before this Court on September 10, 2012, during which the Applicant was present and represented by Tara Dawn Shurling, Esquire and the State was represented by Assistant Attorney General, Robert D. Corney.

At the conclusion of this PCR proceeding the Applicant's PCR Counsel introduced a copy of all the discovery materials (including the MAIT Reports) in this case as an Applicant's Exhibit. That material was inadvertently not marked as an Exhibit and is not indexed in the PCR Hearing Transcript. Inasmuch as the parties agree that the discovery package was introduced by the Applicant during his evidentiary hearing, this Court has granted PCR Counsel leave to file the replacement set of the discovery materials provided by the Fifth Circuit Solicitor's Office with the Clerk of Court's Office as Plaintiff's Exhibit No. 4.

IT IS SO ORDERED.

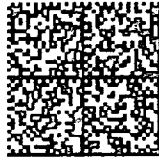
J. Ernest Kinard, Jr.
Presiding Circuit Judge
Court of Common Pleas

This ___ day of _____, 2014



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FIRST-CLASS



PITNEY BOWES

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MAILED FROM ZIP CODE 29204

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
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