

**STATE OF SOUTH CAROLINA
In the Supreme Court**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

Perry M. Buckner, Circuit Court Judge

**Case No. 2010-CP-07-2396
Appellate Case No. 2013-001885**

RECEIVED

MAR 31 2014

S.C. Supreme Court

SUSAN TAPPEINER, 338050,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

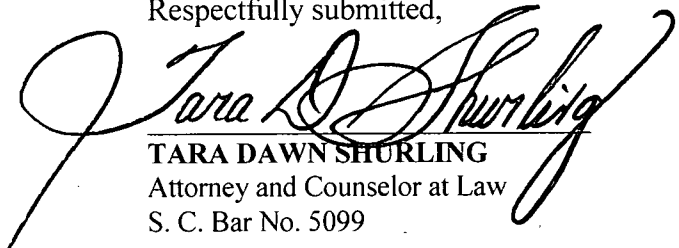
**MOTION TO ENLARGE PAGE LIMITATION
FOR
PETITION FOR WRIT OF CERTIORARI**

NOW COMES the Petitioner, acting by and through her undersigned counsel, asking leave of Court to exceed the page limitation set for Petitions for Writ of Certiorari by Rule 227 (e) (3), SCRAP. This Post-Conviction Relief Appeal arises from an unusually complex Application for Post-Conviction Relief. Petitioner has addressed a total of ten (10) questions covering twenty-seven (27) allegations raised and argued in the Circuit Court. The original Order of Dismissal rulings of law on only three (3) allegations and part of a fourth (4) allegation raised by Petitioner below. App. p. 666-671. Even in the issues addressed by the Order of Dismissal, the Order failed to set forth "findings of fact and conclusions of law" as required by both S. C. Code Ann. § 17-27-80 and Rule 52 (a), SCRCP. Petitioner filed a Motion to Alter or Amend pursuant to Rule 59 (e) requesting specific findings of fact and conclusions of law with regard to the issues that were addressed in the Order of Dismissal as well as the issues that were not mentioned therein. App. p. 678 – 681. Respondent also filed a Motion to Alter or Amend pursuant to Rule 59 (e), SCRCP. App. p. 672- 676. Both Counsel for Respondent and Counsel for the Petitioner submitted proposed orders to the lower court. The lower court issued an

Amended Order of Dismissal which was filed on August 2, 2013. The Petitioner would respectfully submit that the Amended Order of Dismissal filed by the Court on August 16, 2013 failed to adequately set forth findings of fact and rulings of law for the denial of relief on the issues that were addressed in the original Order of Dismissal. Further, the Petitioner would submit that the boiler plate rulings added in the Amended Order of Dismissal on the issues not addressed at all in the original Order of Dismissal fail to include the findings of fact and rulings of law required by Rule 52 (a) and S. C. Code Ann. § 17-27-80. App. p. 842 – 850. Counsel for Petitioner filed a second Rule 59 (e) Motion in an effort to obtain more specific rulings from the Court. App. p. 851- 853. That motion was denied by the lower court without any further amendments or additions to the Order of Dismissal. App. p. 856.

The Petition for Writ of Certiorari was due in the matter on Friday, March 28, 2014. Counsel made a good faith effort to address all of the Petitioner's issues that were preserved for appellate review below, within the page limitation set by Rule 227 (e) (3). Unfortunately, due to the number, and complexity, of the issues presented below, Counsel for Petitioner was unable to present even a summary discussion of the issues within the twenty-five (25) page limitation set by Rule 227 (e) (3), SCRPC. Petitioner would respectfully submit that her ability to more narrowly draft a petition on these issues was hampered by the lack of a more specific ruling by the lower court on some issues and the total absence of a ruling on the majority of the Petitioner's claims. WHEREFORE, Petitioner prays for this Honorable Court to grant review of her Petition for Writ of Certiorari as filed March 28, 2014.

Respectfully submitted,


TARA DAWN SHURLING
Attorney and Counselor at Law
S. C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, S. C. 29204
(803) 738-8622
(803) 738-1600 (FAX)

ATTORNEY FOR PETITIONER.

This the 28th day of March, 2014.

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Perry M. Buckner, Circuit Court Judge

Appellate Case No. 2013-001885

SUSAN TAPPEINER, 338050,

PETITIONER,

v.

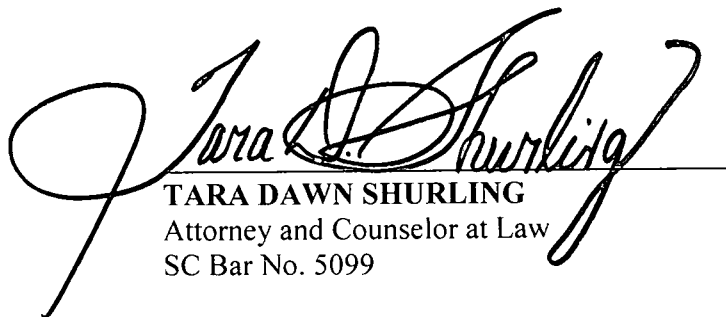
STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Motion to Enlarge Page Limitation for Petition for Writ of Certiorari in the above-entitled case has been served upon opposing counsel this the 31st day of March, 2014, by mailing one (1) copy in a stamped envelope properly addressed to:

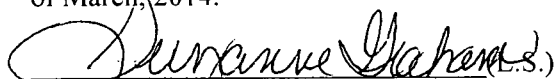
Ashleigh R. Wilson
Assistant Attorney General
Office of the Attorney General
P. O. Box 11549
Columbia, SC 29211



TARA DAWN SHURLING
Attorney and Counselor at Law
SC Bar No. 5099

ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 31st day
of March, 2014.



Notary Public for South Carolina
My Commission Expires: 2/28/2024

LAW OFFICE OF



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

March 28, 2014

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

RE: Susan Tappeiner, 338050, v. State of South Carolina;
Appellate Case No. 2013-001885.

Dear Mr. Shearouse:

Enclosed for filing please find the original and six copies of the Petition for Writ of Certiorari and the Certificate of Service in the above-captioned case. The Appendix was hand delivered for filing on March 24, 2014. I would appreciate your returning two (2) clocked copies of the Petition for Writ and the Certificate of Service in the enclosed self-addressed envelope. Thank you for your assistance in this matter. I remain,

RECEIVED

APR 01 2014

S.C. SUPREME COURT

Sincerely yours,

A handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sm

Enclosures

cc: Ashleigh R. Wilson, Assistant Attorney General (w/enclosures)
Susan Tappeiner, 338050 (w/enclosures)
David & Diane Sanders (w/out enclosures)