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October 20, 2014

**RECEIVED**

OCT 22 2014

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

**S.C. SUPREME COURT**

Re: Tunzy Sanders, #255493 v. State of South Carolina; 2006-CP-06-106.

Dear Mr. Shearouse:

On September 18, 2014 a Notice of Appeal in the above captioned PCR matter was filed by the Supreme Court having been mailed for filing on September 16, 2014. Inasmuch as I had already obtained the PCR hearing transcript, the Petition for Writ of Certiorari would be due today. I was originally hired for a PCR appeal. After it became apparent that the Court Reporter could not produce a complete transcript of the PCR hearing held in this case, the matter was remanded for reconstruction of the missing portions of the record. Subsequently this Honorable Court granted the Applicant a *de novo* proceeding after the PCR judge, J. Michael Baxley, ruled that the record could not be adequately reconstructed. The Applicant's sister and I subsequently entered into an amended fee agreement applying the fees originally paid for the PCR appeal to my efforts to win the client a *de novo* PCR hearing and toward representing him in that *de novo* action after it was granted. That amended fee agreement expressly excluded representation in any subsequent PCR appeal unless an addition and separate fee was paid for the PCR appeal.

This PCR case included allegations of ineffective assistance of counsel against Joseph Savitz, now retired, who perfected the Applicant's direct appeal while in the Appellate Division of the South Carolina Commission on Indigent Defense. Mr. Savitz appeared at the *de novo* PCR hearing held in this matter.

I have discussed this appeal with Bob Dudek at SCCID, and he advises that the Appellate Division will petition to conflict out of representing this individual due to the claims against Mr. Savitz. He further advised, however, that he was uncertain what action this Honorable Court would take on their petition inasmuch Mr. Savitz is no longer with their agency. I am writing to ask that all appellate deadlines be stayed in this matter pending the filing of the conflict petition by SCCID and this Court's ruling thereon. I would ask that SCCID be conflicted out of representing Mr. Sanders for the following reasons:

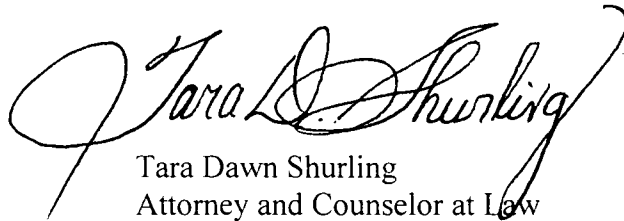
- Mr. Savitz was formerly the Chief Attorney for the Appellate Division of South Carolina Commission on Indigent Defense;
- Mr. Savitz was not only the current Chief Attorney's boss, but it is my understanding he is also his close friend;

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- This is an extremely complex case with many allegations with which I am already very familiar, and which I would be in the position to present to the Court for review more easily than any other lawyer starting from scratch should this Honorable Court appoint me in this matter. While I am not volunteering for this PCR appeal, I am always willing to serve at the pleasure of the Court.

Given these factors, I believe it would be in Applicant's best interests for SCCID to be relieved as counsel in this matter. I will await further instruction from the Court. For now, I remain,

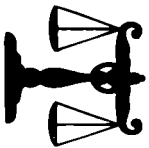
Sincerely yours,



Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/sg

cc: Robert Michael Dudek, Chief Attorney, Appellate Division of SCCID  
David Spencer, Assistant Attorney General  
Daniel Gourley, Assistant Attorney General  
The Honorable Brenda Sanders (sister of Applicant)  
Tunzy Sanders, #255493



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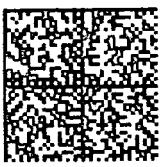
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