

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

RECEIVED

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NOV 24 2014

November 19, 2014

S.C. SUPREME COURT

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

Re: Charles Carmack, #323818 v. State of South Carolina; 2012-CP-20-505

Dear Mr. Shearouse:

Enclosed please find for filing a Notice of Appeal in the above captioned Post-Conviction Relief matter along with proof of service on opposing counsel. This Notice addresses the client's intent to appeal the Conditional Order of Dismissal, the Order of Dismissal and the Amended Final Order of Dismissal issued by Judge Gibbons in this matter. I was retained to represent this client in the circuit court only. The family has not yet advised me whether they intend to hire me to handle this appeal. I am asking that they make this decision immediately. I am providing the client a copies of this Notice of Appeal, and a Form Affidavit of Indigency. I am instructing him to fill it out and return it to me immediately for submission to Appellate Division of the South Carolina Commission on Indigent Defense, if he wishes to seek representation by them. I will make certain he is aware that time is of the essence, and that he must return his affidavit to me immediately. Since this application was dismissed without a hearing, I will note the due date for my Petition as thirty (30) days from the date of the Notice of Appeal is filed. For now, I would appreciate having the two additional copies of this notice enclosed with this correspondence clocked and returned to me in the self-addressed, stamped envelope provided. With my thanks for your kind assistance always, I am,

Sincerely yours,

A large, stylized handwritten signature in black ink that reads "Tara Dawn Shurling".

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sg

Enclosure

cc: J. Croom Hunter, Assistant Attorney General

Lorienne French, Legal Service Coordinate, Appellate Defense

Charles Carmack, #323818

Elizabeth Greggs

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas
Brian M. Gibbons, Presiding Judge

RECEIVED

NOV 24 2014

2012-CP-20-505

S.C. SUPREME COURT

CHARLES CARMACK, 323818

Applicant,

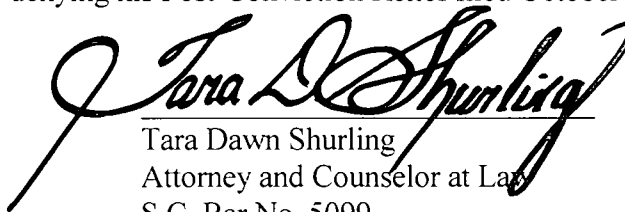
v.

THE STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

NOW COMES the Applicant in the above-captioned Post-Conviction Relief matter, acting by and through his undersigned counsel, giving notice of his appeal from the Conditional Order of Dismissal filed on September 19, 2013, Final Order of Dismissal filed on May 27, 2014 and the Amended Final Order of Dismissal denying his Post-Conviction Relief filed October 31, 2014.



Tara Dawn Shurling
Attorney and Counselor at Law
S.C. Bar No. 5099

3614 Landmark Drive, Suite A
Columbia, South Carolina 29204
(803)738-8622
(803)738-1600 FAX

ATTORNEY FOR APPLICANT

This 19th day of November, 2014.

Other Counsel of Record:
J. Croom Hunter, Assistant Attorney General
P. O. Box 11549
Columbia, SC 29211
Attorney for Respondent
(803) 734-3737

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM FAIRFIELD COUNTY
Court of Common Pleas
Brian M. Gibbons, Presiding Judge

2012-CP-20-505

CHARLES CARMACK, 323818

Applicant,

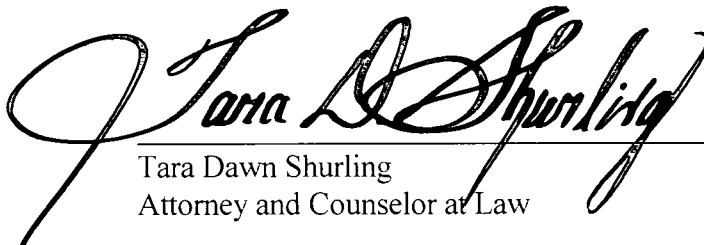
v.

THE STATE OF SOUTH CAROLINA,

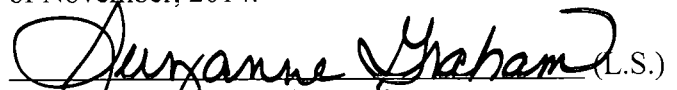
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the Applicant's Notice of Appeal in the above-entitled cause has been served upon opposing counsel, J. Croom Hunter, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this 19th day of November, 2014.


Tara Dawn Shurling
Attorney and Counselor at Law

SWORN TO BEFORE me this 19th day
of November, 2014.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: 2/28/24

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF FAIRFIELD)

Charles Carmack)

Plaintiff)

CASE NO.
2012-CP-20-0505

State of South Carolina)

Defendant.)

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

2013 SEP 18 PM 1 25
v.
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

Plaintiff's Attorney: Tara D. Shurling, Bar No. Address: 3614 Landmark Drive, Suite D Columbia, South Carolina 29204 phone: fax: e-mail: other:	Defendant's Attorney: Suzanne H. White Bar No. Address: P.O. Box 11549 Columbia, SC 29211-11549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:
---	---

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

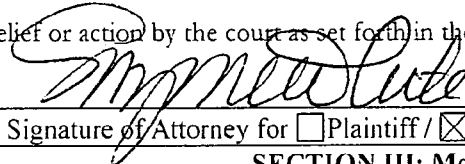
Nature of Motion:

Estimated Time Needed: Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

- Written motion attached
 Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed Conditional Order of Dismissal.


Signature of Attorney for Plaintiff / Defendant

September 13, 2013

Date submitted

SECTION III: Motion Fee

- PAID - AMOUNT:
 EXEMPT: Rule to Show Cause in Child or Spousal Support
 (check reason) Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRCF)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter:
 Other:

JUDGE'S SECTION

- Motion Fee to be paid upon filing of the attached order.
 Other:

JUDGE

CODE:

Date:

CLERK'S VERIFICATION

Date Filed:

Collected by: _____

- MOTION FEE COLLECTED: _____
 CONTESTED - AMOUNT DUE: _____

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF FAIRFIELD) SIXTH JUDICIAL CIRCUIT

Charles Cormack, #323818,)
Applicant,) 2012-CP-20-0505

2013 SEP 19) PM 1 27
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

v.)

State of South Carolina,)

Respondent.)

CONDITIONAL ORDER OF DISMISSAL

This matter comes before this Court by way of an application for post-conviction relief filed December 27, 2012. Respondent made its Return and Motion to Dismiss.

I. PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Fairfield County. The Applicant was indicted at the September 2006 term of the Court of General Sessions for Fairfield County for four (4) counts of assault and battery with intent to kill (ABWIK) (2006-GS-20-408, 409, 410, 411) and possession of firearm during commission of a violent crime (2006-GS-20-412). He was represented by John T. Mobley, Esquire. On August 27-31, 2007, the Applicant proceeded to a jury trial and was found guilty of four counts of the lesser included offense of assault and battery of a high and aggravated nature. He was acquitted of the weapons charge. Applicant was sentenced by the Honorable Kenneth G. Goode to ten (10) years on indictment 2006-GS-20-411, ten (10) years, consecutive, on indictment 2006-GS-20-408, five (5) years, consecutive, on indictment 2006-GS-20-409, and five (5) years, concurrent, on indictment 2006-GS-20-408, for an aggregate sentence of twenty-five (25) years.

A timely notice of appeal was filed on the Applicant's behalf. Following the submission of a brief pursuant to Anders v. California, 386 U.S. 738 (1967), and a pro se brief by the Applicant, the South Carolina Court of Appeals dismissed the appeal. State v. Owens, No. 2003-UP-355 (S.C. Ct. App. May 21, 2003). The Remittitur was issued June 23, 2003.

Applicant's Current PCR Application

In his current application for post-conviction relief the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. "The Applicant received Ineffective Assistance of Counsel prior and during his trial in violation of his rights pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, as well as Article I, Section 14 of the South Carolina Constitution."
2. "The judgments and sentences against the Applicant were entered in violation of his right to due process of law and effective assistance of counsel."

Before this Court are the records of the Fairfield County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, Applicant's previous PCR records, Applicant's PCR application and Respondent's Return and Motion to Dismiss.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

This Court finds that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160 (2003). S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the Remittitur to the lower court from an

appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offenses he challenges in this Application on August 31, 2007. The Applicant's appeal was finalized by Remittitur on November 28, 2011. The Applicant was therefore required to file his application before November 27, 2012. This Application was filed on December 27, 2012, which was over one (1) month beyond the time that the statutory filing period had expired.


A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. §17-27-70(c) (2003) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, this Court finds that the application for post-conviction relief is summarily dismissed for failure to file within the time mandated by statute.

Summary


Pursuant to S.C. Code Ann. §17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the ^{FAIRFIELD} Spartanburg County Clerk of Court and shall serve opposing counsel at the following address:

Suzanne H. White, Esquire
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

AND IT IS SO ORDERED this 17 day of Sept, 2013.



J. Ernest Kinard Jr.
Administrative Judge
Sixth Judicial Circuit

, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Charles Carmack,)
S.C.D.C. No. 323818,)

2012-CP-20-505

Applicant,)

FINAL ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

2014 MAY 27 PM 11 17
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BUCHANAN

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed December 27, 2012. The Respondent filed its return on September 16, 2013, requesting the application be summarily dismissed based upon the expiration of the statute of limitations.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed September 17, 2013 and filed September 19, 2013, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated September 19, 2013, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "REPLY TO CONDITIONAL ORDER OF DISMISSAL" and dated October 7, 2013, the Applicant argues the statute of limitations should be waived for the following reasons:



1. "Appellate Counsel affirmatively advised the Applicant that he had exhausted all avenues for review in state court. In doing so, he lead the Applicant to believe that a federal habeas corpus action was the only thing he could do if he desired to further challenge his judgments and sentences. Counsel then advised him that he had no issues in his case which were appropriate for federal review. In doing so, he overlooked the fact that the Applicant in fact had the right to develop a federal constitution claim, grounded in the Sixth and Fourteenth Amendments to the United States Constitution, by seeking collateral review through a Post-Conviction Relief Application. In so advising the Applicant he misadvised him concerning the law of South Carolina and deprived him of the opportunity to raise claims of ineffective assistance of Trial and Appellate Counsel."
2. "The Applicant did not understand that there would be no further action on his appeal to the Supreme Court following his receipt of the letter from his Appellate Counsel in November, 2011. Following an adverse ruling in the Court of Appeals, Appellate Counsel filed a Petition for Rehearing. The Applicant did not understand that Appellate Counsel would not be taking measures to ask the Supreme Court to reconsider their decision just as he had when the Court of Appeals ruled against the Applicant."

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. This Court finds Applicant's argument that he was misadvised by appellate counsel unpersuasive. A defendant is constitutionally entitled to effective assistance of appellate counsel. Evitts v. Lucey, 469 U.S. 387, 396 (1985). The applicant must show that appellate counsel's performance was deficient and that he was prejudiced by the deficiency. State v. Thrift, 302 S.C. 535, 537, 397 S.E.2d 523, 526 (1990); Strickland v. Washington, 466 U.S. 668, 687 (1984). Neither trial nor appellate counsel are required to advise a client of the right to file a PCR application or the time limits for filing. See Sutton v. State, 361 S.C. 644, 606 S.E.2d 779 (2004), Bray v. State, 366 S.C. 137, 139, 620 S.E.2d 743, 744 (2005). As such, this Court finds Appellate Counsel was under no duty to advise

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Applicant of his right to file a PCR application, and such an omission by Appellate Counsel does not constitute a compelling reason to waive the statute of limitations.

This Court finds further that Applicant's attempt to distinguish his case by arguing he was misadvised, as opposed to not being advised at all, is unpersuasive. This Court finds that the letter from Appellate Counsel to Applicant, marked "ATTACHMENT A," and contained within Applicant's response to the Conditional Order of Dismissal, does not misadvise Applicant of his right to file a PCR application. The letter merely advises Applicant that, "This is the final step in the appeals process in South Carolina." This Court notes that Appellate Counsel correctly informed Applicant because post-conviction relief is not a part of the appellate process in South Carolina; rather, it is a collateral attack commenced in the Circuit Court. Post-conviction relief "is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of direct [appellate] review of the sentence or conviction." S.C. Code Ann. § 17-27-20. See Al-Shabazz v. State, 338 S.C. 354, 368, 527 S.E.2d 742, 749 (2000). Accordingly, this Court finds Appellate Counsel did not misadvise Applicant. This Court also finds that because Appellate Counsel had no duty to advise Applicant of his ability to file a PCR application, regardless of whether or not he was misadvised, the statute of limitations should not be waived.

This Court also finds Applicant's second argument for waiving the statute of limitations to be unpersuasive. Applicant argues he "did not understand that there would be no further action on his appeal to the Supreme Court following his receipt of the letter from his Appellate Counsel in November, 2011." This Court finds the argument does not raise a compelling reason to waive the tolling of the statute of limitations. In Applicant's ATTACHMENT A, Appellate Counsel clearly states Applicant has reached the end of the appeals process and makes it clear that his

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representation of Applicant is at an end. Accordingly, this Court finds Applicant's second argument for waiving the statute of limitations unpersuasive.

This Court notes the Applicant was convicted and sentenced on August 31, 2007. The Remittitur from his direct appeal was issued on November 28, 2011¹. The Uniform Post-Conviction Procedure Act specifically states the statute of limitations for the filing of a PCR application is "one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later." S.C. Code § 17-27-45(a) (Supp. 2003). Therefore, as the Remittitur from Applicant's direct appeal was issued on November 28, 2011, and this Application was filed on December 27, 2012, the one-year time limit had clearly expired. See id. This Court finds that Applicant has presented no compelling reasons to waive the tolling of the statute of limitations for filing an application for post-conviction relief.

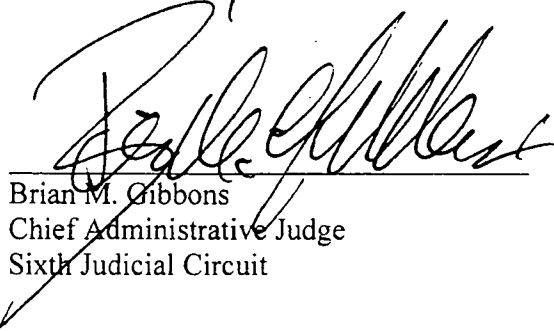
IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

¹ This Court notes that the procedural history in the Conditional Order of Dismissal lists the incorrect dates regarding Applicant's direct appeal. However, the section entitled "FINDINGS OF FACT AND CONCLUSIONS OF LAW" in the Conditional Order of Dismissal incorporates the correct dates in this Court's initial findings regarding the expiration of the one (1) year statute of limitations for PCR applications. Thus, this Court relied on the



AND IT IS SO ORDERED this _____ day of 5/10, 2014.



Brian M. Gibbons
Chief Administrative Judge
Sixth Judicial Circuit


_____, South Carolina.

correct dates in making its initial finding in the Conditional Order of Dismissal that the Application was filed well beyond the expiration of the one (1) year statute of limitations.

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

Charles Carmack,
S.C.D.C. No. 323818,

2012-CP-20-505

Applicant.

AMENDED FINAL ORDER OF DISMISSAL

v.

State of South Carolina,

Respondent.

2011 OCT 31 PM 1 54
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO JONES

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed December 27, 2012.

The Applicant is presently confined in SCDC pursuant to orders of commitment from the Fairfield County Clerk of Court. Applicant was indicted at the September 2006 term of General Sessions for four (4) counts of assault and battery with intent to kill (2006-GS-20-408, 409, 410, 411) and possession of a firearm during the commission of a violent crime (2006-GS-20-412). He was represented by John T. Mobley, Esquire. Applicant proceeded to a jury trial and was convicted of four counts of assault and battery of a high and aggravated nature. Applicant was sentenced by the Honorable Kenneth G. Goode to ten (10) years on indictment 2006-GS-20-411, ten (10) years, consecutive, on indictment 2006-GS-20-410, five (5) years, concurrent, on indictment 2006-GS-20-409, and five (5) years, consecutive, on indictment 2006-GS-20-408, for an aggregate sentence of twenty-five (25) years imprisonment.

Applicant filed a timely Notice of Appeal. The Appeal was perfected by Jack B. Swerling, Esquire. By Order filed May 24, 2010, the South Carolina Court of Appeals affirmed

Applicant's convictions. Applicant subsequently filed a Petition for Writ of Certiorari. By Order filed November 17, 2011, the South Carolina Supreme Court denied the petition. The remittitur was sent on November 28, 2011.

This application for post-conviction relief was filed on December 27, 2012. On September 16, 2013, the State filed its Return and Motion to Dismiss, requesting the application be summarily dismissed for failure to file within the statute of limitations. The Honorable J. Ernest Kinard, Jr., issued a Conditional Order of Dismissal that was signed on September 17, 2013 and filed September 19, 2013, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated September 19, 2013, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "REPLY TO CONDITIONAL ORDER OF DISMISSAL" and dated October 7, 2013, the Applicant argued the statute of limitations should be waived for the following reasons:

1. "Appellate Counsel affirmatively advised the Applicant that he had exhausted all avenues for review in state court. In doing so, he lead the Applicant to believe that a federal habeas corpus action was the only thing he could do if he desired to further challenge his judgments and sentences. Counsel then advised him that he had no issues in his case which were appropriate for federal review. In doing so, he overlooked the fact that the Applicant in fact had the right to develop a federal constitution claim, grounded in the Sixth and Fourteenth Amendments to the United States Constitution, by seeking collateral review through a Post-Conviction Relief Application. In so advising the Applicant he misadvised him concerning the law of South Carolina and deprived him of the opportunity to raise claims of ineffective assistance of Trial and Appellate Counsel."

2. "The Applicant did not understand that there would be no further action on his appeal to the Supreme Court following his receipt of the letter from his Appellate Counsel in November, 2011. Following an adverse ruling in the Court of Appeals, Appellate Counsel filed a Petition for Rehearing. The Applicant did not understand that Appellate Counsel would not be taking measures to ask the Supreme Court to reconsider their decision just as he had when the Court of Appeals ruled against the Applicant."

This Court received a proposed Final Order of Dismissal from Respondent on May 13, 2014, which incorporated Applicant's objections to the Conditional Order of Dismissal. This Court signed and filed the Final Order of Dismissal on May 16, 2014 and May 27, 2014, respectively. Counsel for Applicant objected to the Final Order of Dismissal based upon a clerical misunderstanding between the parties involved. This Court subsequently requested briefs from both Applicant and Respondent on the underlying issue of whether the post-conviction relief application should be summarily denied.

After extensive review of the memoranda submitted by both parties, this Court finds that Applicant has presented no compelling legal reasons to waive the tolling of the statute of limitations.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Conditional Order of Dismissal and the May 27, 2014 Final Order of Dismissal, the PCR application is hereby **denied and dismissed with prejudice**. This Court finds that the Final Order of Dismissal filed May 27, 2014 is hereby **incorporated into this Amended Final Order of Dismissal**.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules

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for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

AND IT IS SO ORDERED this 25 day of October, 2014.



Brian M. Gibbons
Chief Administrative Judge
Sixth Judicial Circuit

Cecil, South Carolina.

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER
IN THE COURT OF COMMON PLEAS

CHARLES CARMACK,

Applicant,

v.

STATE OF SOUTH CAROLINA,

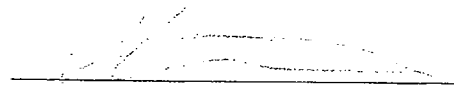
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:


**Ms. Tara Dawn Shurling, Esquire
Law Ofc. Of Tara Dawn Shurling, PA
3614 Landmark Drive Suite A
Columbia, SC 29204**

This 3RD day of November, 2014.



J. Croom Hunter
Assistant Attorney General
Attorney for Respondent

SWORN to before me this 3rd day of November, 2014.



Notary Public for South Carolina.

My Commission Expires: March 18, 2023

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

November 19, 2014

J. Croom Hunter, Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211-

RE: Charles Carmack, #323818 v. State of South Carolina; 2012-CP-20-505

Dear Mr. Hunter:

Enclosed please find for your records a copy of the Notice of Appeal that was filed in the above-captioned matter. Since the procedural history of this case is somewhat complex, I have taken the precaution of listing the Conditional Order of Dismissal, the Order of Dismissal and the Amended Final Order of Dismissal in the Notice of Appeal. I am also sending a copy of my proposed order, re-captioned as a memorandum, to the Clerk of Court for filing. I'm enclosing a copy for your files. As you can see, it is the same thing that was served on you back in July.

The family has not decided yet if they will be able to hire me to handle this appeal. I have requested that they make a decision as quickly as possible. I will let you know if they decide to hire me, someone else or let the Appellate Division of the South Carolina Commission on Indigent Defense handle this appeal. Since there was no hearing, the Certiorari Petition will be due thirty (30) days from the date of this order. I remain,

Sincerely yours,

A handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is written in a cursive, flowing style.

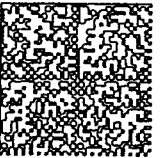
Tara Dawn Shurling
Attorney and Counselor at Law

TDS/sg

Enclosure

cc: The Honorable Daniel E. Shearouse, Clerk, Supreme Court of South Carolina ✓
Charles Carmack, #323818
Elizabeth Greggs

FIRST-CLASS



UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 29204

Law Office of

TARA DAWN SHURLING, PA

3614 LANDMARK DRIVE, SUITE D
COLUMBIA, SOUTH CAROLINA 29204



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