

STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM CLARENDON COUNTY  
Court of Common Pleas  
W. Jeffery Young, Presiding Judge

2010-CP-14-0076

**RECEIVED**

DEC 08 2014

**S.C. SUPREME COURT**

JEREMY SHAW SWEAT, 326997

Applicant,

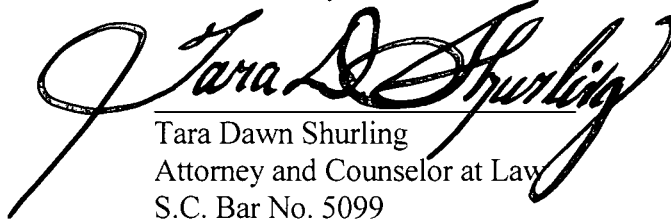
v.

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 Order of Dismissal denying his Post-Conviction Relief filed October 25, 2012, and the Order Denying the Applicant's Motion to Alter or Amend pursuant to Rule 59(e) SCRPC which was filed with the Clarendon County Clerk of Court on November 6, 2014 and received by Counsel on November 20, 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 4<sup>th</sup> day of December, 2014.

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

STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM CLARENDON COUNTY  
Court of Common Pleas  
W. Jeffery Young, Presiding Judge

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2010-CP-14-0076

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JEREMY SHAW SWEAT, 326997

Applicant,

v.

THE STATE OF SOUTH CAROLINA,

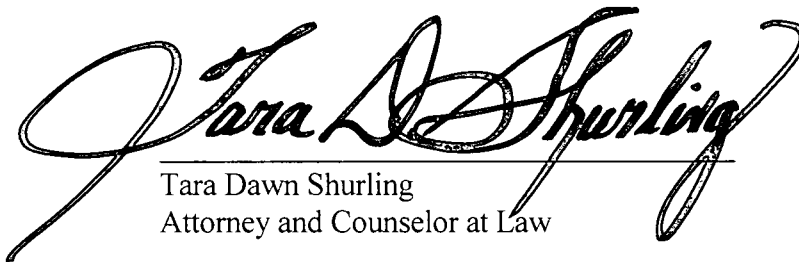
Respondent.

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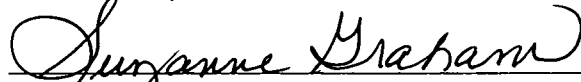
CERTIFICATE OF SERVICE

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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, Mary Williams, Assistant Attorney General, by mailing in an envelope properly addressed with postage prepaid on this 4<sup>th</sup> day of December, 2014.

  
Tara Dawn Shurling  
Attorney and Counselor at Law

SWORN TO BEFORE me this 4<sup>th</sup> day  
of December, 2014.

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



STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CLARENDON )  
 )  
 Jeremy Sweat, #326997, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

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IN THE COURT OF COMMON PLEAS  
 THIRD JUDICIAL CIRCUIT

2010-CP-14-0076

**ORDER DENYING APPLICANT'S  
 MOTION TO ALTER OR AMEND**

BEULAH S. ROBERTS  
 CLERK OF COURT  
 CLARENDON COUNTY, SC  
 NOV - 6 PM 3:54

This post-conviction relief matter was filed February 10, 2010. A hearing was held on March 22, 2012. The matter was denied and dismissed with prejudice in a written order dated July 5, 2012, and filed July 12, 2012. Applicant filed a "Rule 59(e), SCRPC, Motion to Alter or Amend" dated November 5, 2012.<sup>1</sup>

Having carefully reviewed the entire record in this matter, this Court finds that no basis for altering or amending is prior ruling.<sup>2</sup> Therefore, this Court hereby denies the Applicant's Motion in its entirety, and affirms the previous Order of Dismissal.

This Court advises that if the Applicant desires to secure appellate review of this Order and the Order of Dismissal, a notice of appeal must be filed and served **within thirty (30) days** of the service of this Order. Applicant and counsel are directed to Rules 203, 206, and 243 of the South

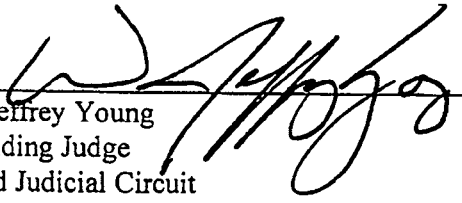
<sup>1</sup> Counsel for the Applicant states that she did not receive a copy of the filed order of dismissal until October 31, 2012.

<sup>2</sup> The Court, in its discretion, has considered this matter based upon the motions submitted by the parties and the post-conviction relief file, since oral argument will not aid the Court in reaching its decision. See Rule 59(I), SCRPC.

CERTIFIED COPY  
 OF ORIGINAL FILED IN THIS OFFICE  
 DATE 11/6/12  
*Beulah S. Roberts*  
 CLERK OF COURT  
 CLARENDON COUNTY, SC

Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

AND IT IS SO ORDERED this 16 day of Oct, 2014.

  
\_\_\_\_\_  
W. Jeffrey Young  
Presiding Judge  
Third Judicial Circuit

Sumter, South Carolina

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

JEREMY SWEAT, #326997

Applicant,

v.

STATE OF SOUTH CAROLINA,

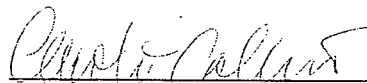
Respondent.

CERTIFICATE OF SERVICE

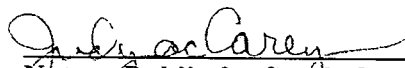
The undersigned hereby certifies that a true copy of the **Order Denying Applicant's Motion to Alter and Amend** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

**Tara Dawn Shurling, Esquire  
Law Office of Tara Dawn Shurling, PA  
3614 Landmark Drive, Suite A  
Columbia, SC 29204**

This 19<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
Caroline Collins, Legal Assistant  
For Respondent

SWORN to before me this 19<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
Notary Public for South Carolina.  
My Commission Expires: 5/14/2024

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CLARENDON )

IN THE COURT OF COMMON PLEAS

Jeremy Sweat, 326997,  
 Plaintiff

CASE NO.  
2010-CP-14-0076

v.

State Of South Carolina  
 Defendant.

**CERTIFIED TRUE COPY**  
**OF ORIGINAL FILED IN THIS OFFICE**  
DATE 10/25/12  
Baulet A. Ransom  
CLERK OF COURT  
CLARENDON COUNTY, SC

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET

Plaintiff's Attorney: Christina Dixon Parnall, Bar No. Address: 3614 Landmark Dr., Ste. A Columbia SC 29204 phone: (803) 738-8622 fax: e-mail: other:	Defendant's Attorney: Mary S. Williams, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<u>Megan Harrison for Mary Williams</u> July 2, 2012 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant Date submitted	
<b>SECTION III: Motion Fee</b>	
<input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> 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: <input type="checkbox"/> Other:	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	<u>W. Jeffrey Young</u> JUDGE CODE: <u>2156</u> Date: <u>7.05.12</u>
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____	
<input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

STATE OF SOUTH CAROLINA )

COUNTY OF CLARENDON )

Jeremy Sweat, #326997, )

Applicant, )

v. )

State of South Carolina, )

Respondent. )

IN THE COURT OF COMMON PLEAS

2010-CP-14-0076

**ORDER OF DISMISSAL**

CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE  
DATE 10/25/12  
*Baulet J. Roberts*  
CLERK OF COURT  
CLARENDON COUNTY, SC

This matter comes before the Court by way of an Application for Post-Conviction Relief filed February 10, 2010. An evidentiary hearing into the matter was convened on March 22, 2012, at the Sumter County Courthouse. The Applicant was present at the hearing and was represented by Christina Dixon Parnall, Esquire. The Respondent was represented by Mary S. Williams of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying were Harry Devoe, Esquire ("Counsel") and former assistant solicitor Amy Land, Esquire ("Land"). This Court had before it the records of the Clarendon County Clerk of Court, the guilty plea transcript, the Applicant's records from the South Carolina Department of Corrections, the appellate records, and exhibits introduced at hearing.

## PROCEDURAL HISTORY

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clarendon County Clerk of Court. The Applicant was indicted at the October 2007 term of the Clarendon County Grand Jury for (1) Kidnapping and (2) Criminal Sexual Conduct (First Degree) (2007-GS-14-0363). The Applicant was also indicted for (1) Kidnapping, (2) Criminal Sexual Conduct, and (3) Assault and Battery with Intent to Kill ("ABWIK") (2007-GS-14-0364). He was represented by Harry Devoe, Esquire. On March 10, 2008, the Applicant entered a guilty plea before the Honorable George C. James, Jr. Applicant was sentenced to concurrent terms of thirty (30) years each for Criminal Sexual Conduct (First Degree) and Kidnapping (2007-GS-14-0363). He was also sentenced to thirty (30) years for Kidnapping, to twenty (20) years for ABWIK, and to thirty (30) years for Criminal Sexual Conduct (2007-GS-14-0364). The sentences for 2007-GS-14-0364 were to be served concurrently with those for 2007-GS-14-0363 but consecutively to each other.

A notice of appeal was filed. The appeal was dismissed on June 19, 2009, for failure to establish any preserved issues for review.

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

1. "Ineffective assistance of counsel – conflict of interest."
2. "Involuntary guilty plea – Involuntary confession."
3. "Disparity in sentencing of co-defendant 8<sup>th</sup> Amendment violation."

In an amended application, Applicant set forth the following grounds for relief:

The amended Application specifically alleges that:

1. Defense Counsel was ineffective for failing to move to compel discovery when it

- was not timely produced and for failing to sufficiently review the discovery with the Applicant prior to the entry of his guilty pleas;
2. Defense Counsel was ineffective for allowing the Court to go forward on the Applicant's guilty pleas and failing to present adequate arguments and authority in support of his motion to withdraw those pleas, where the Applicant expressed to the Court and Defense Counsel, his confusion over the charges being pled to;
  3. Defense Counsel was ineffective for failing to obtain and review the audiotapes of the statements to law enforcement, attributed to the Applicant, that were damaging to the Applicant's case;
  4. Defense Counsel was ineffective for failing to inform the Applicant of the procedures available to him at trial by which he could challenge the admissibility of his statements to law enforcement, that fact that even if the statements were admitted the jury would have to make a predicate finding that the statements were voluntarily made and that any unfavorable ruling of the lower court concerning those statements could be reviewed by a higher court on appeal; and
  5. Defense Counsel was ineffective for offering information to the court, prior to the Applicant's sentencing, that the Applicant had been removed from the county jail for verbally abusive behavior.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80.

#### **Ineffective Assistance of Counsel**

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, "[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence." Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002) (citing Rule 71.1(e), SCRCP). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial

cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, Id. The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland, supra). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial." Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland). With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

#### *Discovery / Audio Tapes*

Applicant asserts that Counsel erred in failing to compel discovery and in failing to review

discovery with him. Applicant particularly notes that Counsel did not provide a video tape of Applicant's statement to law enforcement.

Former assistant solicitor Amy Land testified that Applicant's statement was produced on January 31, 2008, noting a letter documenting that a "copy of videos" was provided on that date. Land testified that the State provided hard copies of several items pursuant to Rule 5, SCCrimP, through letters dated March 3, 2008, and March 5, 2008 (Applicant's Exhibit 1 & State's Exhibit 1). Land also noted that, while she could not recall the precise date, she had reviewed physical evidence with Counsel prior to the March letters. Land further stated that the solicitor's office had an open file policy.

Counsel recalled contact from another individual in the solicitor's office in January 2007. Videos were mentioned in that communication, though Counsel could not recall whether he watched the videos. Counsel did have a transcript of the videotaped interview with Applicant. Counsel affirmed that he reviewed the statement with Applicant and that Applicant did not really express any concerns. Counsel further recalled receiving some items from the solicitor's office in mid-January 2007. Counsel testified that while he received the bulk of evidence in early March 2008, he was sufficiently prepared for a trial and the State had complied with their obligation to provide items to him within ten days of trial.<sup>1</sup>

I find Counsel's testimony that he discussed the statement in some form with Applicant to be credible. Even if Counsel's performance had been deficient, Applicant has failed to show prejudice such that there is a reasonable probability he would have instead proceeded to trial. The transcribed statement was not exculpatory; in it, Applicant incriminated himself in detail. Therefore, it is not

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<sup>1</sup> While Applicant entered a plea on March 10, 2008, there is no evidence of when the case was scheduled for trial.

likely that review of the statement would have prompted Applicant to proceed with trial. Applicant has made no other showing of items of evidence withheld from him which were exculpatory. The solicitor's file reflects disclosure of numerous documents, and I find that this documentation, with the solicitor's testimony, carries great weight. Based on all the foregoing, I find no violation of Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963). Further, with regard to the videotaped statement, the State made the video available both as a video and in transcribed format and made the evidence available to defense counsel. Further, there is no evidence that the videotape was in any way exculpatory, and the transcription of the statement it contained reflects that the statement was inculpatory.

#### *Admissibility of Statement*

To the extent that Applicant asserts that Counsel should have advised Applicant regarding the admissibility of his statement, I find that Applicant has failed to carry his burden of demonstrating ineffective assistance. Indeed, had the case proceeded to trial, a hearing on the voluntariness of the statement pursuant to Jackson v. Denno, 378 U.S. 368 (1964) could have been held. Counsel stated that they did not discuss a Jackson v. Denno hearing because Applicant did not want to go to trial so they did not get to that point. However, Applicant has failed to show that his statement would have been suppressed following such a hearing. Land testified that Miranda warnings had been provided. No additional evidence which could have been offered at a pre-trial motion which would show the statement was inadmissible was presented to this court. Therefore, Applicant has failed to meet his burden in this regard.

### *Motion to Withdraw Plea*

Applicant further asserts that Counsel was ineffective in moving to withdraw the plea based on the Court's pronouncement of a sentence well in excess of the recommendation. Counsel felt the sentence was "outrageous" and stated that he tried a motion to reconsider. As noted by Applicant, the fact that trial judge does not accept the State's recommendation does not affect validity of guilty plea. State v. Riddle, 278 S.C. 148, 292 S.E.2d 795 (1982). However, Counsel subsequently filed a timely, though unsuccessful, motion for reconsideration.<sup>2</sup> Applicant states that the motion to withdraw his plea should have been made on the basis of his alleged confusion which led to a break in the proceedings and his client's disagreement with some of the facts offered by the solicitor in order to argue that the plea was involuntary. Counsel did not recall exactly what was discussed in the break in the proceedings. Counsel noted that Applicant did ultimately admit guilt and had admitted using a broomstick to penetrate one victim in their private conversations. Applicant testified that he had decided to plead guilty when Counsel informed him before the plea that he faced life imprisonment if convicted, and Applicant stated that Counsel told him this again during the break in the proceedings. Applicant did in fact face life imprisonment if convicted, so this advice did not affect the voluntariness of his plea. While Counsel felt that Applicant was not the strongest reader, he felt that Applicant understood what was going on and Applicant's evaluation revealed no mental defect affecting his competence. For all these reasons, Counsel saw no basis for withdrawal based on voluntariness of the plea. I find Counsel's conduct reasonable. I further find that Applicant has failed to demonstrate that his plea was involuntarily made.

### *Information Regarding Applicant Being Moved from Local Detention Center*

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<sup>2</sup> Among the bases for reconsideration was Applicant's cooperation with law enforcement by admitting guilt and a willingness to testify against his co-defendant.

Applicant further asserts that Counsel was ineffective in failing to provide the Court with information as to why he was removed from the local detention center. Applicant introduced an affidavit of Shelton Hughes, an employee of the Detention Center in Clarendon County. Counsel stated that he raised the issue of Applicant's pre-trial detention at Lee County to garner sympathy. Applicant points to an isolated portion of Hughes' affidavit regarding the difficulty of keeping him safe as beneficial to him. However, when read as a whole, the affidavit is largely a negative portrayal, painting Applicant as "the greater threat/risk of the two defendants," and "prone to commit extreme acts of violence, making him a true threat to staff and other prisoners as well." Counsel stated that he had been told by a corrections officer that Applicant had been verbally abusive. Based on the affidavit in its totality and Counsel's inquiry, it appears that Applicant would not have gained any benefit from additional information presented on the subject. Applicant has further failed to show that failure to present the additional affected his decision such that but for the alleged shortcoming he would not have pled guilty. For all these reasons, I find Applicant has failed to meet his burden in this regard.

#### **Other Allegations**

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented.

#### **CONCLUSION**

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with

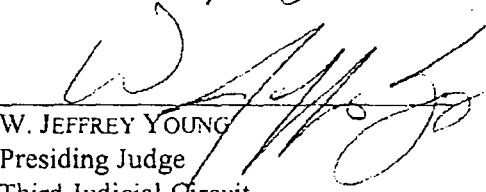
prejudice.

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

**IT IS THEREFORE ORDERED:**

1. That the Application for Post-Conviction Relief must be DENIED AND DISMISSED WITH PREJUDICE; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 5 day of July, 2012

  
W. JEFFREY YOUNG  
Presiding Judge  
Third Judicial Circuit

Sumter, South Carolina.

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

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JEREMY SWEAT, 326997,

Applicant.

v.

STATE OF SOUTH CAROLINA,

Respondent.

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**CERTIFICATE OF SERVICE**

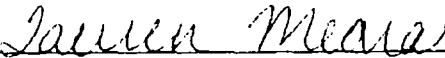
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The undersigned hereby certifies that a true copy of the **Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

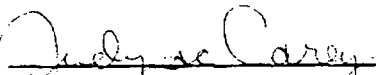
**Christina Dixon Parnall, Esquire  
Ninth Circuit Public Defender  
Charleston County Public Defender  
101 Meeting Street, 5th Floor  
Charleston, SC 29401**

**Tara Dawn Shurling, Esquire  
Law Office of Tara Dawn Shurling, PA  
3614 Landmark Drive, Ste. A  
Columbia, SC 29204**

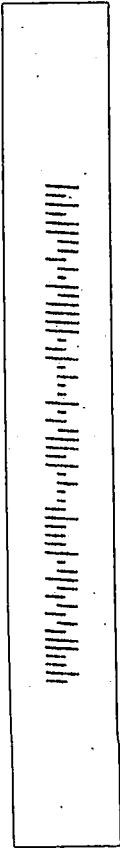
This 30<sup>th</sup> day of October, 2012.

  
Lauren Meara, Legal Assistant  
For Respondent

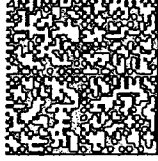
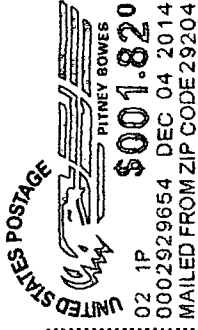
SWORN to before me this 30<sup>th</sup> day of October, 2012.

  
Notary Public for South Carolina.  
My Commission Expires: May 11, 2014

001 31



FIRST-CLASS



Law Office of

**TARA DAWN SHURLING, PA**

3614 LANDMARK DRIVE, SUITE D  
COLUMBIA, SOUTH CAROLINA 29204



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



LAW OFFICE OF



**TARA DAWN SHURLING, PA**

Attorney and Counselor at Law

3614 Landmark Drive

Suite A

Columbia, South Carolina 29204

E-Mail: [tdslaw@shurlinglaw.com](mailto:tdslaw@shurlinglaw.com)

**RECEIVED**

DEC 08 2014

**S.C. SUPREME COURT**

(803) 738-8622

(Fax) (803) 738-1600

December 3, 2014

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

Re: Jeremy Shaw Sweat, #326997 v. State of South Carolina; 2010-CP-14-0076

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 Order of Dismissal issued by Judge Young in this matter. My office was retained to represent this client in the circuit court only. The case was actually handled by my former associate, Christina D. Parnall, who is now a public defender in Charleston. I am filing the Notice of Appeal on Mr. Sweat's behalf for that reason. 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 copy 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. 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 handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/sg

Enclosure

cc: Mary Williams, Assistant Attorney General

Christina D. Parnall, Esquire

Loriene French, Legal Service Coordinate, Appellate Defense

Jeremy Shaw Sweat, #326997

Karen Corley