

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Court of General Sessions
L. Casey Manning, Circuit Court Judge

RECEIVED

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S.C. Supreme Court

Court of Appeals Appellate Case No. 2013-001298
Supreme Court Appellate Case No. 2015-001580

EX PARTE: TARA DAWN SHURLING,

PETITIONER,

IN RE: STATE OF SOUTH CAROLINA,

RESPONDENT

V.

BEJAY HARLEY,

DEFENDANT

RETURN TO PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

I.

Did the Court of Appeals correctly affirm Judge Manning's ruling that Petitioner should be limited to \$10,000.00 in attorney's fees in conjunction with prior rulings of Judge Newman limiting attorney's fees to \$10,000.00, and his own findings that \$10,000 was a reasonable fee?

II.

Did the Court of Appeals correctly affirm Judge Manning's ruling that Petitioner should be limited to \$750 for general expenses?

III.

Whether there are any special and important reasons as outlined in SCACR 242 for the South Carolina Supreme Court to grant review?

RESPONDENT'S STATEMENT OF THE CASE

Appellant (Attorney Shurling) was court appointed for the underlying criminal prosecution for murder. Attorney Shurling had previously served as counsel for Defendant Harley in a post conviction relief matter, resulting in a new trial. The case concluded when the Defendant entered an Alford¹ plea.

Upon her appointment, Attorney Shurling and the South Commission on Indigent Defense (SCCID) appeared before Judge Newman on May 23, 2011 for a hearing regarding attorney fees, expert fees and expense requests of Attorney Shurling. On the issue of attorney's fees Judge Newman ruled "I am approving the rate of \$80 in-court, and \$70 out-of-court in Bejay Harley's case, *up to a maximum* of \$10,000.00." R. p. 29, ll. 14-16 of May 23, 2011 transcript², emphasis added. Later in the hearing the Court confirmed this:

Ms. Shurling: And lastly, Your Honor, has Your Honor ruled on my fees or are you now saying you're holding that open?

The Court: I ruled on your fees.

R. p. 44, ll. 5-8 of May 23, 2011 transcript.

On the issue of expenses Judge Newman ruled that "I approve up to \$500.00 for lay witness fees and expenses, \$750.00 for all other expenses, for a total not to exceed \$1,250.00." R. p. 34, ll. 23-25 of May 23, 2011 transcript. Judge Newman signed an order dated May 24, 2011 reflecting this ruling. R. p. 184-185.

¹ North Carolina v. Alford, 400 U.S. 25 (1970)

² Cover page of transcript shows May 24, 2011, however, hearing occurred on May 23, 2011.

Judge Newman signed an additional order on December 1, 2011 regarding the attorney fees requests from the May 23, 2011 hearing. R. p. 179-180. SCCID had not been forwarded a copy of the proposed order prior to Judge Newman signing the order. R. p. 125, ll. 17-19 of December 28, 2011 hearing.

Pursuant to Judge Newman's December 1, 2011 order, Judge Manning then signed an order dated December 5, 2011 awarding Attorney Shurling fees in the amount of \$18,431.00, R. p. 175, and expenses in the amount of \$1,138.37. R. p. 177.

SCCID then filed written objections with both Judges Newman and Manning on or about December 15, 2011 objecting, to the payment of attorney's fees in excess of \$10,000.00. SCCID argued that Judge Newman had established a cap of \$10,000.00 for attorney's fees and that his order of December 1, 2011 did not reflect his ruling from the May 23, 2011 hearing. SCCID requested a hearing to address the issue.

On December 28, 2011 a hearing was held before Judge Newman, at which time he found the order presented to him by Attorney Shurling was not consistent with his ruling from the May 23, 2011 hearing. Judge Newman amended the order, deleting paragraph four of the order, which would have allowed a presiding judge to exceed the fee cap set by Judge Newman. R. p. 154, l. 20 – R. p. 155, l. 23 of December 28, 2011 hearing.

Judge Newman ruled he could not vacate the order of Judge Manning and that Judge Manning would have to look at that. R. p. 167, ll. 6-8 of December 28, 2011 hearing. Judge Manning allowed each side to present proposed orders. Judge Manning then issued his order on March 15, 2013 vacating his order of December 5, 2011, and authorizing Attorney Shurling to receive \$10,000.00 in attorney's fees and \$750.00 for expenses. Judge Manning also found that "based on the record of this case and data submitted at the December 2011 hearing that \$10,000 is a

reasonable fee for this type of case.” R.p. 110. A motion to reconsider this order was denied by Judge Manning by order dated May 21, 2013. R. p. 202.

Petitioner appealed the Circuit Court ruling. The Court of Appeals affirmed the Circuit Court’s Order. Ex Parte Shurling, Op. No. 2015-UP-215 (S.C. Ct. App. filed April 29, 2015). Petitioner then filed a petition for rehearing en banc which was denied June 16, 2015.

ARGUMENTS

I

The Court of Appeals correctly affirmed Judge Manning's ruling that Petitioner should be limited to \$10,000.00 in attorney's fees in conjunction with prior rulings of Judge Newman limiting attorney's fees to \$10,000.00 and his own findings that \$10,000 was a reasonable fee.

The South Carolina Commission on Indigent Defense asserts that the arguments raised by Attorney Shurling regarding the provisions of S.C. Code Ann. § 17-3-50(C) are not at issue in this matter. The clear language of Judge Newman's rulings established up to a maximum of \$10,000.00 in attorney fees (R. p. 29, ll. 14-16 of May 23, 2011 hearing) and \$750.00 in general expenses. R. p. 34, ll. 23-25 of May 23, 2011 hearing. Judge Manning's order of March 15, 2013 is unambiguous in its reasons for vacating his order of December 5, 2011 and his finding that "based on the record of this case and data submitted at the December 2011 hearing that \$10,000 is a reasonable fee for this type of case." R.p. 110. This Court has stated previously in Ex parte Shurling, 408 S.C. 309, 759 S.E.2d 714 (2014) that statutory construction arguments will not be reached when the language of the funding order is clear.

Attorney Shurling asserts that the December 1 proposed order sent to Judge Newman was in "complete harmony" with his rulings from the bench from the May 23, 2011 hearing. Petition p. 14. However, Judge Newman makes it absolutely clear in the record of the December 28, 2011 hearing that the order of December 1, 2011 submitted to him was not consistent with his ruling at the May 23, 2011 hearing:

[L]eaving the hearing, I issued an oral order placing a \$10,000 cap on the payment of fees without further approval of the Court. Now, fast forward to December when an order was submitted to me, I did not review notes from the May hearing. I looked at the order and assumed that the order was consistent with what was stated by

the Court, but I see now upon it being pointed out by SCCID and the order itself that paragraphs three and four are inconsistent and inconsistent with what the Court ordered, and it's also inconsistent with any other order that I've signed the entire year because if an order is made by the Court without further approval, then that's the end of the order without any language allowing for a separate request to be made in excess of the order with the presiding judge as is reflected in paragraph four of this order. So I did not catch that language, and that was brought to my – timely brought to my attention by the department. So I am going to amend the order and delete paragraph four from this order. That would cause this order to be consistent with the proposed order that was submitted to me by Ms. Shurling as far as the amount being up to \$10,000 without further approval of the Court, provided the presiding judge finds the time records to be adequate to support the time and expenditures claimed. Then whatever disarray that may cause as to Judge Manning's order, then let that be. It will be addressed by Judge Manning. Mr. Shurling indicates that she would have appealed the order. I invite an appeal of this.

R. 154, l. 20 – p. 155, l. 23 of December 28, 2011 hearing.

The transcript of the May 23, 2011 hearing also reflects the clear intent of the court and supports Judge Newman's position that he had authorized "*up to a maximum* of \$10,000.00 on each case." R. p. 29, ll. 13-16 of May 23, 2011 hearing. (emphasis added).

It is only through the addition of paragraph four in the December 1, 2011 order that Judge Manning would have been able to change Judge Newman's prior ruling. Paragraph four allowed the presiding judge to approve fees in excess of the cap set by Judge Newman. Judge Newman acknowledged this stating:

And I certainly understand Ms. Shurling was seeking to add clarification in order to pave the way for Judge Manning to sign the one that he did days later, but it is inconsistent with what I ordered from the bench. So therefore I am going to modify the order deleting paragraph four and we will see where it goes from there.

R. p. 156, l. 24 – p. 157, l. 7 of December 28, 2011 hearing.

Prior to the May 23, 2011 hearing, Attorney Shurling had presented proposed orders (with copies to SCCID) to the Court that did not contain paragraph four. State's Exhibit #3, December 28, 2011 hearing, R. p. 53-54. It thus appears to SCCID that Petitioner knew paragraph four was necessary to exceed the \$10,000.00 cap set by Judge Newman. This is supported by the findings of Judge Newman cited immediately above in this Return at p. 7.

With regard to the service of the post-hearing order containing paragraph four, Petitioner declares: "Counsel did not realize until much later that her proposed orders were inadvertently not sent to SCCID . . ." and "the failure to send the proposed order to SCCID was a clerical oversight." Petition p. 14.

However, in an e-mail to Respondent's Counsel Petitioner stated: "I was not instructed to serve SCCID with the proposed order I provided to Judge Newman nor does S.C. Law require that I do so." E-mail of December 14, 2011, ll. 18-19, Defense Exhibit #1, December 28, 2011 hearing. R. p. 56. SCCID would have objected to the proposed order prior to Judge Newman signing it had a copy been provided.

When it became clear to Judge Manning that his order of December 5, 2011, served to overrule Judge Newman's rulings from the May 23, 2011 hearing, he vacated his order. Judge Manning had based his authority to exceed a \$10,000.00 cap on that portion of Judge Newman's order (paragraph four), which Judge Newman made abundantly clear did not reflect his ruling.

Judge Manning stated:

This court signed the December 5, 2011 order with the understanding that in accordance with paragraph four of Judge Newman's order that counsel could submit to the presiding judge a request for payment in excess of the fee cap set by his order. However after it was clarified and presented to this court, this court finds Judge Newman has specifically ruled consistent with paragraph three in his order that:

“Attorney Shurling may bill SCCID for fees up to \$10,000.00 without further approval of the court provided the presiding judge finds her time records to be adequate to support the time expenditures claimed.”

March 15, 2013 Order of Judge Manning, R. p. 109:

Judge Manning further observed, “if this court could just automatically exceed the cap set by Judge Newman, the hearing of May 23, 2011 was a useless exercise.” March 15, 2013 Order of Judge Manning, R. p. 110. Correctly read, after Judge Newman’s deletion of paragraph four, further approval of the Court was required to exceed the \$10,000.00 cap. The only authority granted the presiding judge was to review the time records to support the time expenditures claimed. No such approval to exceed the cap was sought from Judge Newman. As in Ex parte Shurling, supra, 408 S.C. 309, 312, 759 S.E.2d 714, 715 (2014), the order requiring further approval was not complied with. The case law is clear, one Circuit Judge cannot overrule another. e.g. Cook v. Taylor, 272 S.C. 536, 252 S.E.2d 923 (1979).

Included as part of the Petition is a section entitled Procedural History. This procedural history section includes contested matters and conversations that are not a part of the Court record. Most troubling to Respondent is that the Petitioner implies that Judge Newman was somehow changing his prior rulings.

On February 15, 2012, Judge Newman orally advised Counsel that he had decided not to issue an Amended Order in this matter. On that date, Counsel had two PCR cases before Judge Newman in Richland County. During a break in those proceedings, Counsel approached Judge Newman, in the presence of his law clerk, and inquired about the status of his amended order in this billing matter. Counsel simply asked the status of the order and expressed her concern that the Court might have executed an order that she had not received for some reason. Judge Newman responded that *he wasn’t going to issue an amended order*. He said he had decided that since his term as Chief Administrative Judge was over, he did not have the authority to rule on the issues any longer, and stated that he really

didn't feel like he knew enough about the case anyway. He said he had decided to just leave the matter to Judge Manning and Judge Cooper to decide.

Petition, p. 7-8.

Respondent was not privy to any such communication. However, Judge Newman made it clear to all parties that the Court transcript reflected his rulings in this matter. In a letter to Attorney Shurling, and copied to SCCID, Judge Newman, through his law clerk, noted the following:

You will note that the law of this state is that the court speaks only through its records. *State v. Gaskins*, 263 S.C. 343, 346, 210 S.E.2d 590, 591 (1974). "Judicial records are not only necessary but indispensable, to the vitality of a court." See *Long v. McMillan*, 226 S.C. 598, 610, 86 S.E.2d 477, 482 (1955) (citation omitted).

The parties, therefore, will have to consult the transcript regarding any concerns involving his ruling.

Letter of Law Clerk, Sutania A. Radlein, February 12, 2013, R. p. 85. As previously noted, the record of this matter is clear as to Judge Newman's ruling.

This case involves the clear intent of judicial rulings, however, assuming *arguendo* that an analysis of §17-3-50 is even applicable, SCCID does not agree with the statutory interpretation advocated by Attorney Shurling. In construing statutes courts are not to consider a particular clause in isolation but in the context of the purpose of the whole statute. Mid-State Auto Auction v. Altman, 324 S.C. 65, 476 S.E.2d 690 (1996). Attorney Shurling is asking the Court to consider the clause in 17-3-50(C) that "payment in excess of the limit is appropriate because the services provided were reasonably and necessarily incurred" in isolation. She is asking the Court to only consider this last phrase found in S.C. Code Ann. § 17-3-50(C). SCCID agrees the last nine (9) words in Section C are in the past tense. However after examining the whole statute, the correct interpretation of the statute is that prior approval is required for expenses and fees exceeding the

statutory caps. Courts generally give deference to an administrative agency's interpretation of its own statute. Brown v. DHEC, 349 S.C. 507, 560 S.E.2d 410 (2002). S.C. Code Ann. § 17-3-50 provides:

(A) When private counsel is appointed pursuant to this chapter, he must be paid a reasonable fee to be determined on the basis of forty dollars an hour for time spent out of court and sixty dollars an hour for time spent in court. The same hourly rates apply in post-conviction proceedings. Compensation may not exceed three thousand five hundred dollars in a case in which one or more felonies is charged and one thousand dollars in a case in which only misdemeanors are charged. Compensation must be paid from funds available to the Office of Indigent Defense for the defense of indigents represented by court-appointed, private counsel. The same basis must be employed to determine the value of services provided by the office of the public defender for purposes of Section 17-3-40.

(B) Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate.

(C) Payment in excess of the hourly rates and limits in subsection (A) or (B) is authorized only if the court certifies, in a written order with specific findings of fact, that payment in excess of the rates is necessary to provide compensation adequate to ensure effective assistance of counsel and payment in excess of the limit is appropriate because the services provided were reasonably and necessarily incurred.

The entire language in Section B and the majority of Section C supports prior approval. Attorney Shurling in her conclusion acknowledges that S.C. Code Ann. § 17-3-50(B) arguably requires advance approval for certain professional services or experts. Petition, p. 18.

The word authorize means: to empower, to give a right or authority to act.³ The idea of giving permission involves having something approved before it takes place. The statute also speaks of this authorization in the context seeking to ensure effective assistance of counsel. Seeking to ensure the effective assistance of counsel implies these issues will be addressed before the actual representation. It is too late to try and ensure the effective assistance of counsel after the matter is already complete. It is only logical that counsel would be more effective if counsel had prior assurance from a court that her fee could exceed the statutory cap, up to an amount authorized by the court, rather than only hoping after the fact she is allowed to exceed the cap.

Also, without prior approval being required to exceed the statutory cap there would, in essence, be no statutory cap. 17-3-50 (A) specifically states that “compensation may not exceed three thousand five hundred dollars in a case in which one or more felonies are charged.” (emphasis added) If counsel could automatically exceed the cap, then an important step in the process of judges and SCCID being able to monitor and ensure resources are being properly and effectively expended would be by-passed. Situations such as the instant one will arise where SCCID and the judge believe only a maximum of \$10,000 in State funds will be necessary; only to find out later that fees in excess of \$18,000 are being sought. SCCID would submit it benefits all parties involved to address these matters on the front end so a proper allocation of limited State resources can be made and attorneys understand the fees they may or may not be entitled to.

Judge Newman described the process familiar to the Court:

³ Black’s Law Dictionary, 5th Edition at p. 122.

The Court: I sign orders on a weekly basis, daily basis here, and when the public defenders get the order, if they say, "Well, Judge, we need more money," they'll come back and say it. I approved an order, I believe, in the case I had last week approving \$10,000 for travel for expert witnesses. \$10,000.

Ms. Shurling: Then, Your Honor - - -

The Court: And the public defenders came back and said, "Well, Your Honor, we have these other character witnesses who we must have, and they're coming from far and near. We must have them. So please give us more approval." And I yielded, gave them more approval, under the reasonable professional assistance language that you quoted.

So it's not at all unusual that once an order is approved setting a cap of a certain amount without further approval, further approval is often sought, but I have found in so many instances when I set a lower cap, somehow or another the expert's fees get - - they get lower and other things tend to happen.

R. p. 159, ll. 1-19 of December 28, 2011 hearing.

Thus, the Court of Appeals ruling denying the additional attorney's fees beyond \$10,000.00 should be affirmed. It must be remembered that as Judge Newman noted, Attorney Shurling had previously represented the same defendant in a PCR matter arising out of this case. R. p. 154, ll. 7-22 of December 28, 2011 hearing; R. p. 19, ll. 10-14 of May 23, 2011 hearing. It must also be noted that even if Attorney Shurling were correct that the trial judge has total discretion, regardless of a prior circuit judge setting a fee cap, the trial judge (Judge Manning) found that "based on the record of this case and data submitted at the December 2011 hearing that \$10,000 is a reasonable fee for this type of case." R.p. 110. Accordingly, certiorari should be denied on this issue.

II

The Court of Appeals correctly ruled that Petitioner should be limited to \$750 for general expenses.

Judge Newman issued a separate order regarding expenses signed May 24, 2011. As the order shows, Judge Newman struck through the original amounts inserted in the order and wrote in specific amounts for each category. Judge Newman authorized “\$500.00 for lay witness fees and expenses and \$750.00 for all other general expenses incurred. Costs for investigative expenses are addressed by separate order. Total expenses shall not exceed \$1,250.00 without prior authorization from this Court.” May 24, 2011 order of Judge Newman, R. p. 184-185.

Judge Newman specifically struck the proposed language stating that, “Counsel may, if necessary, exceed the limits set for either category of expenses provided that the total expenses claimed may not exceed \$1,250.00 without prior authorization from this Court.” However, Petitioner in claiming \$1,138.37 in general expenses is attempting to do just that; merge the witness fee and general expenses to avoid the \$750 cap on general expenses.

The Court: I approve up to \$500 for lay witness fees and expenses, \$750 for all other general expenses for a total not to exceed \$1,250.

R. p. 34, ll. 23-25 of May 23, 2011 hearing.

SCCID acknowledges language in the order stating that “Counsel is authorized to seek approval of any balance not covered by this order upon the completion of this case with the express understanding that Counsel assumes the risk that any such balance will not be paid if not approved by the Court.” Judge Manning addressed this issue stating:

However, the Court finds this one sentence cannot be read in isolation. The order of Judge Newman, when viewed in its entirety, set specific expense caps and specifically stated that \$750

was the cap for general expenses. This Court cannot issue an order that does not follow the order of Judge Newman.

March 15, 2013 Order of Judge Manning, R. p. 111-112.

Even assuming the intent of Judge Newman was that this issue could be addressed at the completion of the case, Judge Manning did not approve the additional general expenses and Judge Newman was not asked to reconsider his previous caps.

As previously argued with regard to attorney fees, the issue in this case is the rulings of Judges Newman and Manning, not the provisions of the S.C. Code Ann. § 17-3-50. Ex parte Shurling, supra. In any event, statutory analysis still supports SCCID's position. S.C. Code Ann. § 17-3-50(B) requires prior approval of expenses. S.C. Code Ann. § 17-3-50(B), notes that the court shall authorize "the defendant's attorney to obtain such services on behalf of the defendant" upon a finding of necessity. S.C. Code Ann. § 17-3-50(B). (Emphasis added) This is against a statutory cap of \$500. The authorization to obtain the services, by reasonable interpretation, would indicate that advance approval is to be obtained by the attorney before incurring expenses. Petitioner argues that S.C. Code Ann. § 17-3-50(C) provides that a court can find after the fact that payment in excess of the limits can be made. However, this analysis would lead to the absurd result that an attorney must have prior approval of expenses up to \$500 as established in S.C. Code Ann. § 17-3-50(B), yet any amount beyond the \$500 can be approved after the fact under 17-3-50(C), even though it may involve considerably greater expenses.

Therefore the lower court rulings capping general expenses at \$750 were properly affirmed on appeal, as argued in Issue I above. This issue does not trigger any of the rule stated reasons for the exercise of certiorari, or any other special and important reasons for the exercise of certiorari. Accordingly the writ should be denied.

III.

There are no special or important reasons for the South Carolina Supreme Court to grant review in this matter.

Respectfully, Petitioner does not point to or argue any of the grounds set forth in SCACR 242 (b), (1)-(5), nor any other special and important reasons for the grant of the writ.

1. There appears no novel question of law;
2. The Court of Appeals decision was unanimous.
3. The decision of the Court of Appeals does not conflict with Ex parte Shurling, 408 S.C. 309, 759 S.E.2d 714 nor Ex. Parte Brown, 393 S.C. 214 711 S.E.2d 898 (2011), nor Bailey v. State, 309 S.C. 455, 424 S.E.2d 502 (1992).

Attorney Shurling appears to argue the decision of the Court of Appeals is the conflict with these cases. The Petitioner posits that both Bailey and Brown establish that compensation shall be set at the conclusion of the case by the trial judge.

However, respondent is not aware of any facts in Bailey or Brown where a circuit judge had set a maximum fee cap prior to the conclusion of the case. Presumably Attorney Shurling submitted the original proposed order to Judge Newman requesting the \$3,500 statutory cap be raised to \$10,000. If it was believed that all fee determinations could be made at the conclusion of the case then it would not seem necessary to even request an increase in the statutory cap prior to the conclusion of the case. Further, the language of paragraph four (drafted by Petitioner) in Judge Newman's December 1, 2011 order allowing the presiding judge to approve fees in excess of the cap, would be unnecessary if the trial judge could determine all compensation matter at the conclusion of the case. As Judge Newman noted:

And I certainly understand Ms. Shurling was seeking to add clarification in order to pave the way for Judge Manning to sign the one that he did days later, but it is inconsistent with what I ordered from the bench. So therefore I am going to modify the order deleting paragraph four and we will see where it goes from there.

R. p. 156, l. 24 – p. 157, l. 7 of December 28, 2011 hearing.

While Bailey does reference a determination by the trial judge that is not the language found in S.C. Section 17-3-50(c) which references “the court” not solely the trial court.

Assuming arguendo that the fee determination is solely within the discretion of the trial judge at the conclusion of the case, that is essentially what occurred in this matter. The cap of Judge Newman did not deny Judge Manning the ability to review whether the fees were reasonable within the parameters of the established cap. For example Judge Manning could conceivably have found that only \$8,000 or some other figure was reasonable for this plea. However considering all of the pertinent facts that were presented to him after he signed the original order on December 5, 2011 for \$18,431, Judge Manning found that “based on the record of this case and data submitted at the December 2011 hearing that \$10,000 is a reasonable fee for this type of case.” R. p. 110. Judge Manning noted that “when this Court signed the December 5, 2011 Order of Attorney Shurling approving attorney fees in the amount of \$18, 431 it was not aware of the prior circumstances as disclosed in the hearing of December 28, 2011.” R. p. 109.

4. There is no substantial constitutional issue. The Brown opinion established the entitlement to fees by appointed counsel. That constitutional principle is now in effect. It does not hold that counsel is entitled to all of their requested fees.

5. There is no conflict here with a decision of the U.S. Supreme Court.

The appeal was decided and Respondent respectfully urges that this record, as discussed, is bereft of any special and important reason for the discretionary writ of certiorari to be granted.

CONCLUSION

For the reasons stated, respondent asks this Court to deny the petition for writ of certiorari.

Respectfully submitted,



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General Counsel

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ATTORNEY FOR RESPONDENT

This 4th day of November, 2015.

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

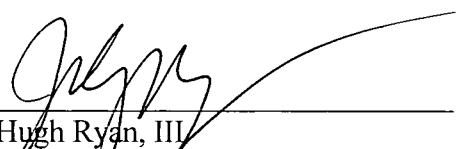
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L. Casey Manning, Circuit Court Judge

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Supreme Court Appellate Case No. 2015-001580

EX PARTE: TARA DAWN SHURLING,
PETITIONER,
IN RE: STATE OF SOUTH CAROLINA,
RESPONDENT
V.
BEJAY HARLEY,
DEFENDANT

CERTIFICATE OF SERVICE

I certify that a true copy of the return to petition for writ of certiorari in this case have been served on Tara Dawn Shurling, Esquire, this 4th day of November, 2015.

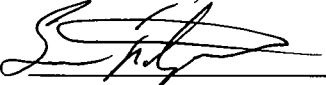


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ATTORNEY FOR RESPONDENT

SWORN TO BEFORE ME this 4th day
of November, 2015.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.