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June 7, 2018

The Honorable Thomas A. Russo  
181 North Irby Street, Suite 3600  
Florence, SC 29501

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JUN 11 2018

SC Court of Appeals

RE: State of South Carolina v. David Harold Campbell  
2017-GS-26-00942; 2016-GS-26-00536

Dear Judge Russo:

I recently filed a motion in General Sessions Court requesting Your Honor's authorization for access to review the court reporter's back up recordings from the trial in the above captioned matter. This case was tried before you on May 15-17, 2017. Since the case is pending on direct appeal, I also filled a Motion to Stay the direct appeal pending my opportunity to review the backup recordings. That motion has been granted. I enclose a copy of the Order of the Court of Appeals for your convenient reference. In an abundance of caution, I re-filed my General Sessions motion after the appeal was stayed and jurisdiction was thereby returned to the circuit court. You were mailed a copy of that motion when it was sent for filing. Again, for your convenience reference I am enclosing another copy of that motion.

I am sorry to intrude on your busy schedule, but in their Order, the Court of Appeals instructed me to report back to them on the status of this matter by today's date. I am copying the Court on this correspondence. I regret inconveniencing everyone, but my client is certain a ruling made by you is not contained in the transcript I was provided. I have consulted with Morgan Martin and he has said he honestly can't be certain without refreshing his recollection by reviewing the backup recordings. He primarily argued the issue in question at trial.

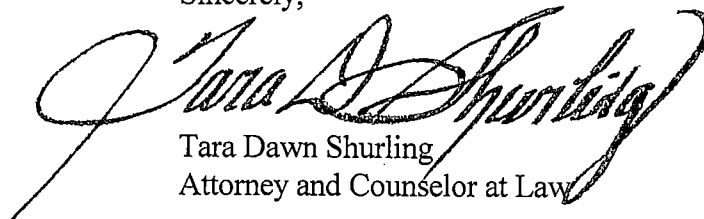
Judge, I have never had to do this before in my 39 years as an appellate lawyer. In the very few previous cases where aspects of a record were questioned, the Court Reporters always just left their backup recording with Court Administration, and I went there and listened to the trial in their conference room. It has been quite some time since I have had this come up. I don't know if the rules for Court Reporters have changed, or if this particular Court Reporter is simply being stricter

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about adhering to the rules. In any event, I now need a ruling from Your Honor. As I said in my motion, I believe the simplest thing to do would be for the Court Reporter to provide me a disk containing the backup audio records which I could then copy for Morgan Martin and opposing counsel, Ben Aplin. Mr. Aplin has suggested that he should be present when I listen to the recordings. With a copy on a disk, I could get permission to take a laptop into the client's institution and play the disk for him myself. Otherwise, I think the only way my client, Mr. Aplin and I could all listen to these recordings would be for you to instruct the Court Reporter to play them in a court room and have the client transported to be there. That seems to be a lot of unnecessary trouble and expense if it is possible for me to get a copy.

Should you wish to have a brief hearing on how to best resolve this matter, please have your law clerk let me know and I will, of course, make myself available at your convenience. I should add there are things about the way portions of this record read that make me feel it is plausible that something may be missing. I am not suggesting that the Court Reporter deliberately left anything out, but we are all human and mistakes can happen. I will look forward to hearing from Your Honor as soon as possible concerning this issue. With my thanks for your time, I remain,

Sincerely,



Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/sg  
Enclosures

cc: The Honorable Jenny Kitchings, Clerk of SC Court of Appeal ✓  
J. Benjamin Alpin, Senior Assistant Deputy Attorney General  
Desirée Allen, Court Administration  
Kay Richardson, Circuit Court Reporter  
David Harold Campbell, #265686  
Jynere Friday



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**SC Court of Appeals**

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