

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of General Sessions  
The Honorable Thomas Anthony Russo, Circuit Court Judge

---

Appellate Case No. 2017-001229

---

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

DAVID HAROLD CAMPBELL,

APPELLANT.

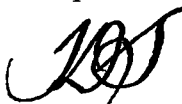
---

**APPELLANT'S PETITION TO EXTEND STAY  
AND DEADLINE FOR BRIEFING**

---

On May 9, 2018, this Honorable Court issued its Order giving Appellant until today's date to resolve his request to review the backup recordings from the trial record in the above referenced direct appeal which was stayed by the same Order. While the parties have been working diligently on this matter, Counsel for Appellant did not receive an Order from Judge Russo directing the Court Reporter to provide Counsel copies of the back up recordings until July 3, 2018. *See*, Attachment. That Order gave the Court Reporter ten (10) days to provide Counsel with the copies. Last Thursday, July 5, 2018, Counsel received an email from the court reporter, Kay Richardson, advising her that the disks had been mailed to her that day. Counsel did not receive that package in today's mail.

Beginning Thursday afternoon through Friday Counsel will be attending the South Carolina Criminal Defense Lawyers Conference where she is a scheduled speaker. Before she leaves for the conference, Counsel will provide both trial attorneys in this matter copies of these backup recordings, and a copy of the trial transcript, so that they can begin their review of these recordings. Counsel hopes to be able to complete her initial review of these recordings over the

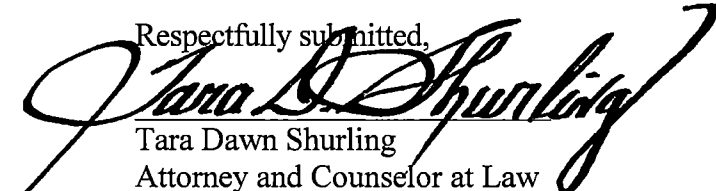


**RECEIVED**  
JUL 11 2018  
SC Court of Appeals

first of next week and will then be able to go to Lieber Correctional in Ridgeville, S.C., to review these recordings with Appellant. Unfortunately, Lieber Correctional is currently extremely short-handed and now limits attorney visitation to very restricted hours. Typically, Counsel is able to sign in by 10:00-10:30 am and is required to leave by 1:30 pm. That schedule may not provide Counsel adequate time to review these recordings with Appellant in one sitting. If not, she will either have to return another day to complete the process or, possibly, make arrangements for the Warden's office to allow Appellant to review these audio recordings in either the Chaplain's office or the office of some other administrative employee. Judge Russo's Order expressly authorizes Counsel to do the latter if SCDC agrees to assist Counsel in creating an opportunity for Appellant to finish reviewing these recordings without her being present.

In light of the above, Appellant now asks that the stay in this matter be extended for an additional thirty (30) days in order to provide all parties adequate time to review these recordings. He requests that his time limits for filing his Initial Brief of Appellant be set from the end date of the stay, giving him thirty (30) days from that date to file his Initial Brief. I attempted to discuss this request with opposing counsel, J. Benjamin Alpin, Senior Assistant Deputy Attorney General, however, he is out of the office until July, 19, 2018, and is not available for consultation concerning this matter. For that reason, I would ask that he provide the Court his position in this matter directly.

Respectfully submitted,



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

July 9, 2018

ATTORNEY FOR APPELLANT

10. 11. 22

10. 11. 22



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions  
The Honorable Thomas Anthony Russo, Circuit Court Judge

RECEIVED

JUL 11 2018

SC Court of Appeals

Appellate Case No. 2017-001229

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

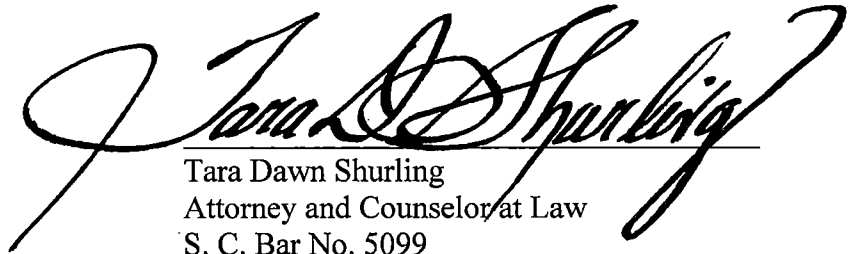
DAVID HAROLD CAMPBELL,

APPELLANT.

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of the Petition to Extend Stay of Direct Appeal and Deadline for Briefing in the above-entitled case has been served upon opposing counsel by email with hardcopy deposited in the U.S. Mail, postage prepaid, this 9<sup>th</sup> day of July, 2018 addressed as follows:

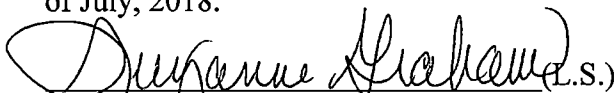
J. Benjamin Alpin  
Senior Assistant Deputy Attorney General  
Office of the Attorney General  
P o Box 11549  
Columbia, SC 29211



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

Attorney for Appellant

SWORN TO BEFORE me this 9<sup>th</sup> day  
of July, 2018.



Notary Public for South Carolina

My Commission Expires: 2/28/24

*[Faint, illegible handwritten text]*

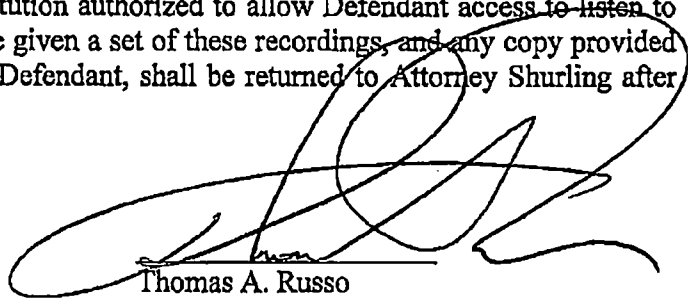




Defendant has asserted that the best way for all the parties to have an equal opportunity to review these recordings, with the minimum imposition on the Court's resources, is for Defense Counsel to be given a copy of these recordings, and that she is authorized to provide copies of that recording to Trial Counsel in this matter. Counsel has indicated that she will seek permission from South Carolina Department of Corrections to play the backup recordings for Defendant at his correctional institution. This Court finds Defendant's requests to be reasonable on the facts of this case. Accordingly, it is hereby ordered that,

1. The Court Reporter in this case, Kay Richardson, shall provide Appellate Counsel, Tara Dawn Shurling, four (4) copies of all backup recordings from Defendant's trial within ten (10) days of the date of this Order. She may bill Attorney Shurling for her costs associated with producing this copy of the backup recordings;
2. Opposing Counsel, Ben Alpin, is authorized to request a copy of the backup recordings from this trial directly from the Court Reporter in this matter within ten (10) days of the date of this order.
3. The South Carolina Department of Corrections is requested to allow Counsel an adequate opportunity to review these backup recordings with Defendant. Counsel is authorized to leave a copy of the back-up recordings with the Warden at Defendant's institution, with the Chaplain or any other employee at Defendant's institution authorized to allow Defendant access to listen to these recordings. Defendant shall not be given a set of these recordings, and any copy provided to an SCDC employee for review with Defendant, shall be returned to Attorney Shurling after said review is completed.

**IT IS SO ORDERED.**



Thomas A. Russo  
Presiding Circuit Court Judge

This 29<sup>th</sup> day of June, 2018.

2018 JUL -3 AM 7:53  
RENEE N. ELVIS  
CLERK OF COURT  
Horry County, SC

FILED

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](mailto:tdslaw@shurlinglaw.com)

July 9, 2018

SENT VIA FAX TO 803-734-1839  
WITH ORIGINAL SENT BY U. S. MAIL

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
JUL 11 2018  
SC Court of Appeals

Re: State of South Carolina v. David Harold Campbell  
Appellate Case No. 2017-001229

Dear Ms. Kitchings:

Enclosed please find for filing the original and six (6) copies of my Petition to Extend Stay and Deadline for Briefing and Certificate of Service in the above captioned matter. I would appreciate your clocking and returning the one extra copy in the enclosed self-addressed, stamped envelope. With my best regards, I remain,

Yours sincerely,

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

Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/sg

Enclosures

cc: J. Benjamin Aplin, Senior Assistant Deputy Attorney General (w/enclosures)  
David Harold Campbell, #265686 (w/enclosures)  
Jynere Friday (w/enclosures)