

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

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April 1, 2019

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

RECEIVED
APR 03 2019
SC Court of Appeals

Re: Aaron McKenzie Capers v. State of South Carolina.
Lower Court Cases No. 2018-GS-08-00528, 2018-GS-08-00529,
2018-GS-08-00530, 2018-GS-08-00531 and 2018-GS-08-00532.

Dear Ms. Kitchings:

Enclosed for filing please find for filing an unbound original and one bound copy of my Amended Notice of Appeal in the above caption direct appeal. I also enclose two extra copies of the Amended Notice of Appeal with the Certificate of Service and would appreciate having them clocked and returned in the enclosed self-addressed envelope. I have discussed the problem with my previous Notice of Appeal with Ben Aplin, Senior Assistant Attorney General, and have asked that he convey Respondent's position concerning this amendment directly to the Court. As this amendment explains, Appellant was indicted for these same offenses on February 7, 2018. The State apparently got a new set of indictments on these same charges true billed on March 7, 2018. I do not yet know why the state found it necessary to obtain new indictments. I took the charges and indictment numbers for the original Notice of Appeal from a subpoena issued for a witness for the trial. I have subsequently been made aware that the trial actually preceded on the later indictment numbers. Apparently the same error was made on the subpoena upon which I relied. I would submit that there is no jurisdictional problem with this Notice of Appeal inasmuch as the original Notice very clearly indicated Appellant's intent to appeal from the judgments and sentences entered on March 21, 2019 before the Honorable R. Markley Dennis, Jr., Presiding Circuit Court Judge, in Berkeley County. I do apologize for this clerical error.

Thank you for your assistance in this matter. With my regards as always, I remain,

Sincerely yours,

A handwritten signature in black ink that reads "Tara Dawn Shurling". The signature is fluid and cursive, with the first name being the most prominent.
Tara Dawn Shurling
Attorney and Counselor at Law

TDS/rk

Enclosures

cc: Anne M. Williams, Solicitor
Bryan A. Alfaro, Deputy Solicitor
Aaron M. Capers
Christopher Capers

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of General Sessions
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED
APR 03 2019
SC Court of Appeals

Lower Court Cases No. 2018-GS-08-00532, 2018-GS-08-00531, 2018-GS-08-00528,
2018-GS-08-00529 and 2018-GS-08-00530

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

AARON MCKENZIE CAPERS

APPELLANT.

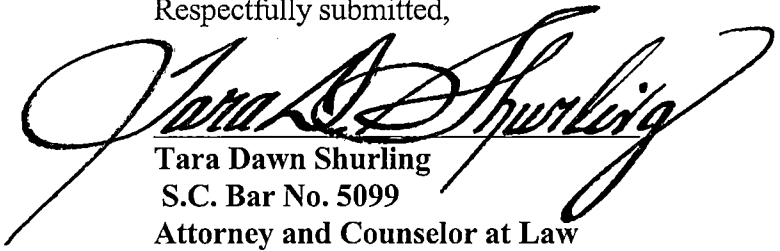
AMENDED NOTICE OF APPEAL

AARON MCKENZIE CAPERS, acting through his undersigned counsel, previously served and filed his Notice of Appeal from the judgments entered following his jury trial and the sentences imposed by the Honorable R. Markley Dennis, Jr., Presiding Circuit Court Judge, on March 21, 2019. That Notice of Appeal referenced the charges and indictments as follows. Criminal Sexual Conduct in the First Degree (2018-GS-08-00152), Armed Robbery (2018-GS-08-00153), Possession of a Weapon During the Commission of a Violent Crime (2018-GS-08-00154), Burglary in the First Degree (2018-GS-08-00155) and Kidnapping (2018-GS-08-00156). See, **Attachment A**.

It has subsequently been brought to Counsel's attention that one month after these indictments were true billed on February 7, 2018, a new set of indictments was obtained by the State from the Berkeley County Grand Jury on March 7, 2018, charging Appellant with the same offenses, on the same incidents, under new indictment numbers. Therefore, the judgments and sentences handed down on March 21, 2019, upon which Appellant has already given Notice of Appeal, were actually on the following indictment numbers. Criminal Sexual Conduct in the First Degree (2018-GS-08-00532), Armed Robbery (2018-GS-08-00531), Possession of a Weapon During the Commission of a Violent Crime (2018-GS-08-00528), Burglary in the First Degree (2018-GS-08-00529) and Kidnapping (2018-GS-08-00530). Appellant asks that his Amended Application be accepted as timely inasmuch it addresses judgments and sentences he has previously given Notice of Appeal from. This amendment is submitted for the purpose of clarifying the record concerning what indictment numbers the judgments and sentences were entered upon.



Respectfully submitted,



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

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ATTORNEY FOR APPELLANT

Other Counsel of Record

Bryan Alfaro
Deputy Solicitor

Anne M. Williams
Senior Assistant Solicitor

Berkeley County Courthouse
300 -B California Avenue
Moncks Corner, S.C. 29461

This 1st day of April, 2019

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of General Sessions
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED
MAR 27 2019
SC Court of Appeals

Lower Court Cases No. 2018-GS-08-00152, 2018-GS-08-00153,
2018-GS-08-00154, 2018-GS-08-00155 and 2018-GS-08-00156

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

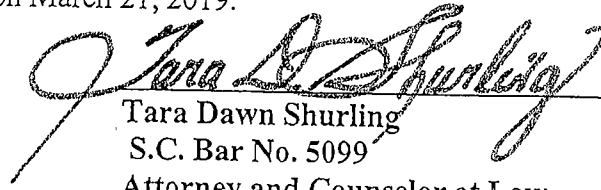
v.

AARON MCKENZIE CAPERS

APPELLANT.

NOTICE OF APPEAL

AARON MCKENZIE CAPERS, acting through his undersigned counsel, appeals his convictions and sentences for Criminal Sexual Conduct in the First Degree (2018-GS-08-00152), Armed Robbery (2018-GS-08-00153), Possession of a Weapon During the Commission of a Violent Crime (2018-GS-08-00154), Burglary in the First Degree (2018-GS-08-00155) and Kidnapping (2018-GS-08-00156). The sentences were imposed by the Honorable R. Markley Dennis, Jr., Presiding Circuit Court Judge, on March 21, 2019.


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

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ATTORNEY FOR APPELLANT

Other Counsel of Record listed on page 2 of 2

Other Counsel of Record

Bryan Alfaro
Deputy Solicitor

Anne M. Williams
Senior Assistant Solicitor

Berkeley County Courthouse
300 -B California Avenue
Moncks Corner, S.C. 29461

This 26th day of March, 2019

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

ATTACHMENT A
3 OF 4

RECEIVED
MAR 27 2019
SC COURT of Appeals

APPEAL FROM BERKELEY COUNTY
Court of General Sessions
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Lower Court Cases No. 2018-GS-08-00152, 2018-GS-08-00153,
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THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

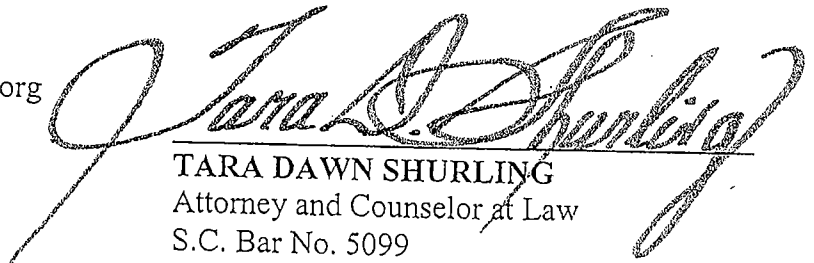
AARON MCKENZIE CAPERS

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Notice of Appeal in the above matter has been served on the opposing counsel this 26th day of March, 2019, by email and U.S. Mail addressed to:

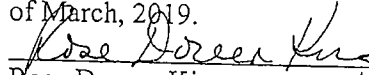
Anne M. Williams
Senior Assistant Solicitor
101 Meeting Street, Suite 400
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TARA DAWN SHURLING
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ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 26th day
of March, 2019.

 (L.S.)
Rose Doreen King

Notary Public for South Carolina

My Commission Expires: May 27, 2025

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

ATTACHMENT A
4 OF 4

APPEAL FROM BERKELEY COUNTY
Court of General Sessions
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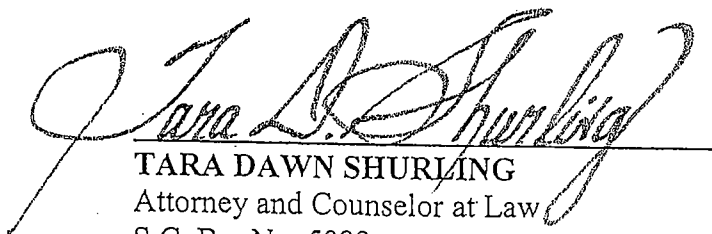
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Moncks Corner, SC 29461
Email: alfarob@scsolicitor9.org


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ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 26th day
Of March, 2019.

Rose Doreen King (L.S.)
Rose Doreen King

Notary Public for South Carolina

My Commission Expires: May 27, 2025

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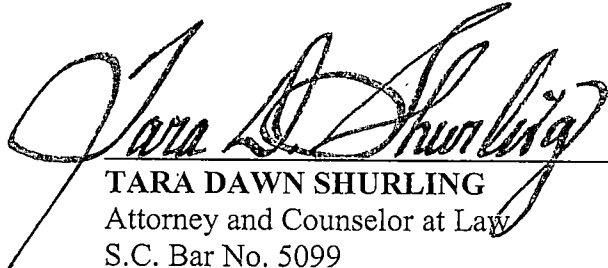
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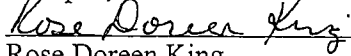
Bryan A. Alfaro, Deputy Solicitor
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ATTORNEY FOR PETITIONER.

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 (L.S.)
Rose Doreen King

Notary Public for South Carolina

My Commission Expires: May 27, 2025

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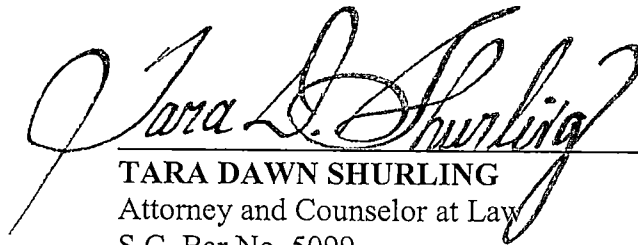
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Amended Notice of Appeal in the above matter has been served on the opposing counsel this 15th day of April, 2019, by email and U.S. Mail addressed to:

Anne M. Williams
Senior Assistant Solicitor
101 Meeting Street, Suite 400
Charleston, SC 29401
Email: williamsa@scsolicitor9.org

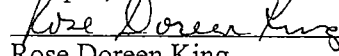


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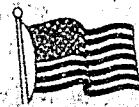
ATTORNEY FOR PETITIONER.

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 (L.S.)
Rose Doreen King

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Columbia, South Carolina 29204

TO:

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

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SC Court of Appeals