

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)

April 10, 2019

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

**RECEIVED**  
APR 12 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 please find for filing in the above captioned matter, a copy of my Certificate of Service of one copy of the original Notice of Appeal, and one copy of the Amended Notice of Appeal, on the Berkeley County Clerk of Court. Thank you for your assistance in this matter. My apologies that these copies were apparently not served on the Clerk of Court at the time they were filed as is my usual practice. With my best regards as always, I remain,

Sincerely yours,

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

Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/rk

Enclosures

cc: The Honorable Leah Guerry Dupree

LAW OFFICE OF



TARA DAWN SHURLING, PA

Attorney and Counselor at Law

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Columbia, South Carolina 29204

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(Fax) (803) 738-1600

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

April 10, 2019

The Honorable Leah Guerry Dupree  
Berkeley County  
Clerk of Court  
P.O. Box 219  
Columbia, SC 29461

**RECEIVED**  
APR 12 2019  
SC Court of Appeals

Re: Aaron McKenzie Capers v. State of South Carolina.  
Lower Court Cases 2018-GS-08-00532, 2018-GS-08-00531, 2018-GS-08-00528,  
2018-GS-08-00529 and 2018-GS-08-00530

Dear Ms. Dupree,

Enclosed please find for filing in the above captioned matter, one copy of the original Notice of Appeal, and one copy of the Amended Notice of Appeal. My apologies that these copies were apparently not served on your office at the time they were filed with the South Carolina Court of Appeals as is my usual practice. With my best 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 a large initial "T" and "S".

Tara Dawn Shurling  
Attorney and Counselor at Law

TDS/rk

Enclosures

cc: The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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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

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THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

AARON MCKENZIE CAPERS

APPELLANT.

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AMENDED NOTICE OF APPEAL

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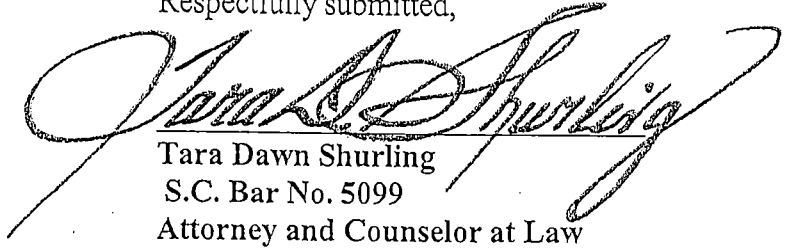
AARON MCKENZIE CAPERS, acting through his undersigned counsel, previously served and filed his Notice of Appeal from the judgments entered following his jury trial and the sentences imposed by the Honorable R. Markley Dennis, Jr., Presiding Circuit Court Judge, on March 21, 2019. That Notice of Appeal 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.



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APR 03 2019  
SC Court of Appeals

Respectfully submitted,



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

Law Office of Tara Dawn Shurling, PA  
3614 Landmark Drive  
Suite A  
Columbia, South Carolina 29204

(803)738-8622 Phone  
(803)738-1600 FAX  
tdslaw@shurlinglaw.com

**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,

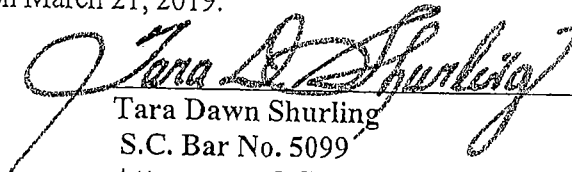
v.

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

Law Office of Tara Dawn Shurling, PA  
3614 Landmark Drive  
Suite A  
Columbia, South Carolina 29204

(803)738-8622 Phone/(803)738-1600 FAX  
tdslaw@shurlinglaw.com

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 26<sup>th</sup> day of March, 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.

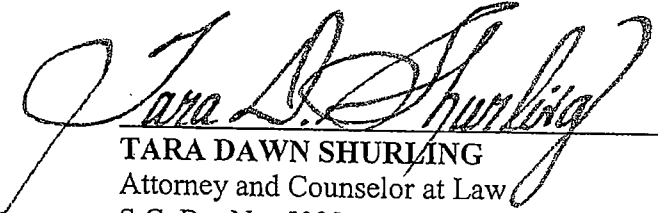
AARON MCKENZIE CAPERS

APPELLANT.

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 26<sup>th</sup> day of March, 2019, by email and U.S. Mail addressed to:

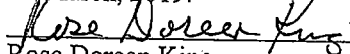
Bryan A. Alfaro, Deputy Solicitor  
Berkeley County Courthouse  
300-B California Avenue  
Moncks Corner, SC 29461  
Email: [alfarob@scsolicitor9.org](mailto:alfarob@scsolicitor9.org)

  
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 Phone / (803)738-1600 FAX  
[tdslaw@shurlinglaw.com](mailto:tdslaw@shurlinglaw.com)

ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 26<sup>th</sup> 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

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,  
2018-GS-08-00154, 2018-GS-08-00155 and 2018-GS-08-00156

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

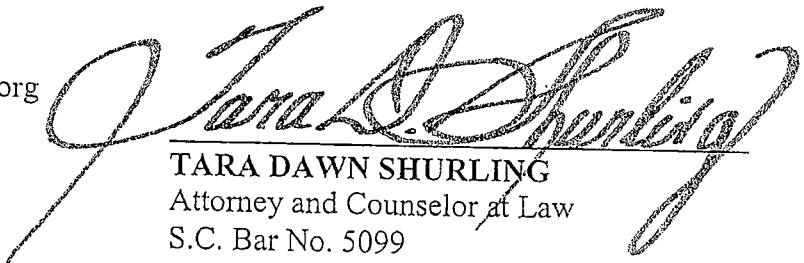
AARON MCKENZIE CAPERS

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 26<sup>th</sup> day of March, 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



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 Phone / (803)738-1600 FAX  
tdslaw@shurlinglaw.com

ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 26<sup>th</sup> day  
of March, 2019.

Rose Doreen King (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

---

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

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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

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THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

AARON MCKENZIE CAPERS

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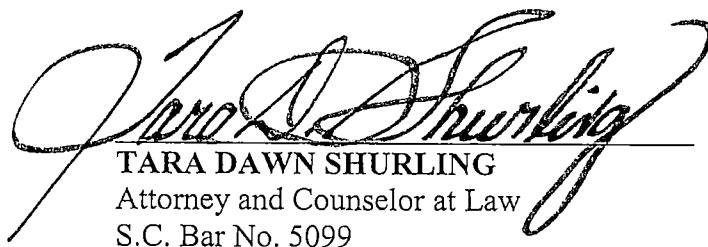
APPELLANT.

CERTIFICATE OF SERVICE

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The undersigned hereby certifies that a true copy of the Original Notice of Appeal and the Amended Notice of Appeal in the above matter has been served on the Berkeley County Clerk of Court this 10<sup>th</sup> day of April, 2019, by U.S. Mail addressed to:

The Honorable Leah Guerry Dupree  
Berkeley County Clerk of Court  
Post Office Box 219  
Moncks Corner, SC 29461



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TARA DAWN SHURLING  
Attorney and Counselor at Law  
S.C. Bar No. 5099

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Columbia, South Carolina 29204  
(803)738-8622 Phone / (803)738-1600 FAX  
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ATTORNEY FOR PETITIONER

RECEIVED  
APR 12 2019  
SC Court of Appeals



Law Offices of  
**TARA DAWN SHURLING**  
3614 Landmark Drive, Suite D  
Columbia, South Carolina 29204

TO:

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