

Sineath, Christina

From: Kitchings, Jenny
Sent: Thursday, October 24, 2019 3:49 PM
To: Sineath, Christina
Cc: Allen, Claire; Carter, Elizabeth A.
Subject: Fwd: Letter regarding Aaron Capers
Attachments: 10.23.19 Letter to Kitchings.doc; ATT00001.htm

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals

Begin forwarded message:

From: TDSLAW <tdslaw@shurlinglaw.com>
Date: October 24, 2019 at 10:39:04 AM EDT
To: <jkitchings@sccourts.org>
Subject: Letter regarding Aaron Capers

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October 23, 2019

SENT BY E-MAIL ON October 24, 2019 WITH HARD COPY SENT BY U.S.
MAIL ON OCTOBER 23, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina, 29211

Re: Aaron McKenzie Capers v. State of South Carolina.

Dear Ms. Kitchings,

I sincerely apologize to the court for not sending in a status letter in this matter sooner. Unfortunately, my deteriorating hip made it very hard for me to keep up with everything in the time leading up to my surgery. I am happy to report that I was finally able to have my hip replacement surgery on October 11th and have just returned to Columbia following my post-op examination Monday, the 21st. I am at home recovering now, but am working from there this week and plan to be back at my office, at least part time, by this coming Monday. I would be remiss if I did not take this opportunity to thank the Court, and your staff, for their kindness and patience with me as I went through this difficult time. I am looking so forward to returning to my usual self in the coming weeks.

As you no doubt recall, I was originally scheduled to have this surgery June 7, 2019. Some unexpected complications led that date to be cancelled. In the mean time, my condition got worse and I was unable to work anywhere close to a normal schedule between then and my surgery on October 11th. I have discussed this matter with my client's mother, Sharon Capers; she is an attorney and tried her son's case. The original plan was for me to be retained to argue one of two post trial motions she had filed on her son's behalf. She was going to argue the other. Since my surgery was delayed, and I am not recovering as quickly as I had hoped I might, we have decided to move forward with me only handling the direct appeal. This will avoid any further unnecessary delays in getting those matters heard.

As for the direct appeal, that has been stayed pending the rulings on the two General Sessions motions filed by Ms. Capers. I am copying Judge Dennis on this letter, as well as Anne Williams, the prosecutor in this case. I trust Ms. Capers will coordinate with the Solicitor's Office to schedule the motion hearing at Judge Dennis's convenience. If I am adequately mobile

by then, I may attend that hearing, but will not be arguing the motions. Ironically, there was a bit of a mix up on the transcript order and I have not received the hardcopy yet. The bill for the transcript was paid in full on June 24, 2019. I communicated with the Court Reporter yesterday and she advised me today that it will be mailed to me tonight. I will, of course, need to order a transcript of the motion hearing. I would ask that my deadline for filing the Initial Brief and Designation of Matter, be run from my receipt of the transcript from the motion hearing, or entry of any written Order(s) on the outstanding motions, whichever is later. I will order the transcript as soon as the hearing is held.

Again, I thank you very much for your assistance and kindness during what has been a very rough time in my practice. I remain,

Sincerely,

S _____

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/am

Cc: The Honorable Markley Dennis
Anne M. Williams, Managing Assistant Solicitor
Sharon Capers, Esquire
Christopher Capers
Aaron Capers