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SC Court of Appeals

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January 19, 2021

SENT TO THE S.C. COURT OF APPEALS FOR BY E-MAIL ON January 19, 2021
WITH HARD COPY SENT TO ALL OTHER PARTIES
BY U.S. MAIL ON January 20, 2021

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;
Appellate Case No. 000511

Dear Ms. Kitchings,

The direct appeal in the above captioned case has been stayed and the matter is currently on remand to the lower court for a hearing on a Motion for a New Trial and a Motion to Reconsider Sentencing. As I previously advised the Court, a hearing was scheduled on the outstanding motions in this matter for January 6, 2020. The hearing went forward as planned, however, it is my understanding that Judge Dennis held the record open for Trial Counsel, Sharon Capers, to get the Appellant evaluated and for her to submit any report and/or medical records she wished for him to consider after the evaluation is completed. I spoke with Attorney Capers, Appellant's mother and his defense counsel at trial, and she advised me that the report issued by Dr. Donna S. Maddox, MD, Board Certified Forensic Psychiatrist, was submitted to Judge Dennis back in October, 2020. Attorney Capers assured me that she had previously notified me by email of this action back in October, 2020, however, I have no record of receiving any such email. I have not yet checked through my Spam folder to see if the email in question got treated as Spam. In any event, I sincerely apologize for the delay in getting this information to the Court. I only discovered this information when I called Attorney Capers after failing to receive responses to multiple texts and emails requesting an update on the status of the matter.

I am now advised by Attorney Capers that Judge Dennis has agreed to hold an additional hearing on her request for Reconsideration of Sentence either in late January, or in February, of this year. I will advise the Court of the date that hearing is scheduled to be heard just as soon as I receive that information from Attorney Capers. I apologize again for my delay in updating the

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Court with regard to the status of the motions pending in the Court of General Sessions. With my thanks for the Court's patience in this matter, I remain,

Sincerely,

Tara Dawn Shurling

Attorney and Counselor at Law

TDS/ts

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