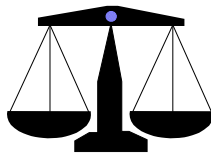


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February 5, 2021

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

RECEIVED

Feb 10 2021

S.C. SUPREME COURT

Re: State of South Carolina v. Julian C. Young; 2011-GS-38-1833.
Appellate Case No. 2020-000896

Dear Mr. Shearouse:

My Petition for Writ of Certiorari in the cross-appeal filed by Respondent/Petitioner in the above captioned matter is due today. In addition, my Return to the State's Petition for Writ of Certiorari filed by the Petitioner/Respondent is due today as well. I have had two previous extensions on my Return to the State's Petition in their appeal from the Order granting this PCR. I have had one previous extension on my Petition for Writ of Certiorari in the cross-appeal.

Unfortunately, I have made the decision that I must file a Motion to Dismiss the State's Appeal in this matter as untimely filed. This was a difficult decision to make, however, as an officer of the court I have concluded that I can not honor my sworn duty to my client and ignore the fact that the original Notice of Appeal was prematurely filed and no timely Notice of Appeal was filed once the final ruling was entered in the lower court. Significantly, Judge Brown's Order on the Rule 59(e) motion filed by the state expressly found that the original Notice of Appeal was prematurely served and filed and reminded the State that a new Notice of Appeal needed to be filed within thirty days of the entry of the Order on the 59(e) motion. I am certain this mistake was unintentional and I am acutely aware that we are all under a lot of stress trying to keep on top of our cases during these difficult times. That being said, this is a jurisdictional issue and I could not ignore it. I can't think of another instance where I have been in this position in my forty-one year career and, for the sake of opposing counsel, whom I like and respect, I really hated to raise this issue. However, as my Motion to Dismiss will carefully outline for the Court, the facts are clear and I believe the motion is meritorious.

It was my intent to serve and file my Motion to Dismiss this appeal on today's date. Unfortunately, I have been ill the last couple days with my ongoing sinus issues. I came to the office and attempted to complete this motion today. Frankly, the procedural history in this case has simply proven too complex for me to properly document it with a pounding headache. For that reason, I am reluctantly

asking for a third thirty day extension on the Respondent/Petitioner's Return to the State's Petition for Writ of Certiorari and a second thirty day extension on my Certiorari Petition on the cross-appeal. I hope to file the Motion to Dismiss by Tuesday or Wednesday of next week. I say hope, only because I now have a fever and simply hope to get my sinus issues cleared up by then. I have another filing due Monday and hope to get this motion wrapped up after that. If granted this consideration on these matters, I will have the Return, and my petition on the cross-appeal, ready for filing before the requested due date regardless of whether the Court has ruled on my Motion to Dismiss by the new due date.

I did not ask opposing counsel for his consent to these extension requests. Under the circumstances, I would simply rely on the sound discretion of the Court on these requests.

Thank you for your kind assistance as always, I remain,

Sincerely,

Tara Dawn Shurling

Tara Dawn Shurling
Attorney and Counselor at Law

Cc: The Honorable B. Craig Brown, Presiding Circuit Judge
Benjamin H. Limbaugh, Assistant Attorney General