

TDSLAW

From: Benjamin Limbaugh [BLimbaugh@scag.gov]
Sent: Wednesday, May 13, 2020 12:24 PM
To: Tara Shurling; Brown, Craig
Subject: RE: Final PCR Order: Julian Young

Tara,

Your timing is uncanny, I received the order approximately five minutes ago. I will forward it to you shortly.

Thank you,
Ben

Benjamin Limbaugh
A.A.G.
Post-Conviction Relief Section
S.C. Attorney General's Office
Rembert C. Dennis Building
1000 Assembly St.
Columbia, SC 29201
(803)-734-4124
blimbaugh@scag.gov

-----Original Message-----

From: Tara Shurling <tdslaw@shurlinglaw.com>
Sent: Wednesday, May 13, 2020 12:21 PM
To: Brown, Craig <cbrownj@sccourts.org>; Benjamin Limbaugh <BLimbaugh@scag.gov>
Subject: Re: Final PCR Order: Julian Young

Ben,
Have you sent me a copy of the signed order yet? I guess you might not have been sent it by email either. If not, pretty please scan and forward to me when you get it in the mail? Thanks.

Tara
Tara Dawn SHURLING
Attorney at Law

Sent from my iPhone


> On May 12, 2020, at 1:54 PM, TDSLAW <tdslaw@shurlinglaw.com> wrote:
>
> Thank you all. I look forward to getting a signed copy so I can
> share with my client and his family.
>
>
> Tara
>
>
>
>

Attachment B

From: Benjamin Limbaugh [BLimbaugh@scag.gov]
Sent: Thursday, June 18, 2020 12:14 PM
To: TDSLAW
Cc: 'Brown, Craig'; 'Brown, Craig Law Clerk (Kevin Corrigan)'
Subject: RE: Final PCR Order: Julian Young
 Judge Brown,

I am withdrawing my 59e motion from consideration and will be filing a notice of appeal shortly. If anyone has any questions or concerns I would be happy to answer.

Thank you,
 Ben

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Benjamin Limbaugh
 A.A.G.
 Post-Conviction Relief
 Section

S.C. Attorney General's
 Office
 Rembert C. Dennis Building
 1000 Assembly St.
 Columbia, SC 29201
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blimbaugh@scag.gov

Limbaugh <BLimbaugh@scag.gov>
Cc: 'Brown, Craig' <cbrownj@sccourts.org>; 'Brown, Craig Law Clerk (Kevin Corrigan)' <cbrownlc@sccourts.org>
Subject: RE: Final PCR Order: Julian Young

Judge Brown

I am terribly sorry to intrude on your vacation, but I am trying to avoid a slight problem. I promise it won't take but a minute. Ben, it might be simpler if you were comfortable with letting the Judge just call me? If you let him know it is OK, I'll be happy to talk to him.


Tara

From: Benjamin Limbaugh [mailto:BLimbaugh@scag.gov]
Sent: Monday, June 15, 2020 3:09 PM
To: Tara Shurling
Cc: Brown, Craig; Brown, Craig Law Clerk (Kevin Corrigan)
Subject: RE: Final PCR Order: Julian Young

Judge Brown and Tara,

I was in the middle of sending you both an email. Tara, I just got off the phone with Kevin Corrigan, Judge Brown's law clerk. I will let him elaborate, but it appears Judge Brown is currently on vacation. I am also available whenever is convenient for the Court. I appreciate everyone's help.

Thank you,
 Ben

 cid:image002.jpg@0
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Benjamin Limbaugh
 A.A.G.
 Post-Conviction Relief
 Section

S.C. Attorney General's
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 Rembert C. Dennis Building
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Benjamin Limbaugh <BLimbaugh@scag.gov>
Cc: Brown, Craig <cbrownj@sccourts.org>; Brown, Craig Law Clerk (Kevin Corrigan) <cbrownlc@sccourts.org>
Subject: Re: Final PCR Order: Julian Young

Judge Brown:

I believe Ben Limbaugh is trying to get in touch with you. There a matter we need to have a conference call with you concerning. It should not take more than 2-3 minutes. I am available all day today. (803)738-8622. I can conference Ben in. Thanks Judge.

Tara

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO ORANGEBURG COUNTY
Court of Common Pleas
D. Craig Brown, Circuit Court Judge

Case No. 2015-CP-38-00298

Julian Young, #352043Respondent,

v.

State of South Carolina,Petitioner.

NOTICE OF APPEAL

The State of South Carolina appeals the Honorable D. Craig Brown's order granting post-conviction relief filed May 20, 2020. The State received the filed order on May 26, 2020. A copy of the order is attached hereto.

June 19, 2020

Respectfully submitted,

ALAN WILSON
Attorney General

BENJAMIN LIMBAUGH
Assistant Attorney General
S.C. Bar No. 103334
1000 Assembly St.
Columbia, S.C. 29201
(803) 734-4124

By: s/ Benjamin Limbaugh
Attorneys for the Petitioner

Other counsel of record:
Tara Dawn Shurling, Esquire
Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive, Suite A
Columbia, SC 29204
Attorney for Respondent
(803)-738-8622

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO ORANGEBURG COUNTY
Court of Common Pleas
D. Craig Brown, Circuit Court Judge

Case No. 2015-CP-38-00298

Julian Young, #352043 Respondent,

v.

State of South Carolina, Petitioner.

PROOF OF SERVICE

I, Benjamin Limbaugh, Counsel for the Petitioner, certify that I have today served the within notice of appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record:

**Tara Dawn Shurling, Esquire
Law Office of Tara Dawn Shurling, PA
3614 Landmark Drive, Suite A
Columbia, SC 29204**

I further certify that all parties required by Rule to be served have been served this 19th day of June, 2020

s/ Benjamin Limbaugh
BENJAMIN LIMBAUGH
S.C. Bar. No. 103334
Office of Attorney General
1000 Assembly St.
Columbia, SC 29201
(803) 734-4124
Attorney for the Petitioner

TDSLAW

From: Brown, Craig [cbrownj@sccourts.org]
Sent: Monday, August 03, 2020 12:05 PM
To: Benjamin Limbaugh
Cc: Brown, Craig Law Clerk (); TDSLAW
Subject: RE: Julian Young PCR

Good afternoon!

Hope you all are well. I have signed the Order and the original is being sent to Mr. Limbaugh to forward to the clerk's office for filing.

If you have any questions, please let me know.

Have a great day!

Craig

From: Benjamin Limbaugh [mailto:BLimbaugh@scag.gov]
Sent: Thursday, July 30, 2020 9:57 AM
To: Brown, Craig <cbrownj@sccourts.org>
Cc: Brown, Craig Law Clerk (Kevin Corrigan) <cbrownlc@sccourts.org>; TDSLAW <tdslaw@shurlinglaw.com>
Subject: Julian Young PCR

*** EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good morning Judge Brown,

I hope this finds you well. It has been brought to my attention by Ms. Shurling that we did not get an order from the Court granting the withdrawal of my motion. I have attached a proposed order for you review. Please let me know if you have any questions or concerns.

Thank you,
Ben



Benjamin Limbaugh
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Post-Conviction Relief
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that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.



Attachment F

State of South Carolina
The Circuit Court of the Twelfth Judicial Circuit

D. Craig Brown
Judge

181 North Irby Street
Suite 3605
Florence, SC 29501
Phone: (843) 679-7156
Fax: (843) 679-7157
cbrownj@sccourts.org

August 3, 2020

Benjamin Limbaugh, Esquire
SC Attorney General's Office
Rembert C. Dennis Building
1000 Assembly St.
Columbia, SC 29201

Re: Julian Young v. State; 2015-CP-38-00298

Dear Mr. Limbaugh:

Enclosed is an Order in the above-referenced case signed by Judge Brown. Please file the Order with the Orangeburg Clerk of Court. Let us know if you should need anything further.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Stacey R. Minton".

Stacey R. Minton
Assistant to Judge Brown

Enc.

cc: Tara Shurling, Esquire (w/enclosure)

TDSLAW

From: Benjamin Limbaugh [BLimbaugh@scag.gov]
Sent: Monday, July 20, 2020 5:01 PM
To: TDSLAW
Subject: Julian Young
Attachments: YOUNG Julian - 1st Extension Request (02330687xD2C78).pdf

Good afternoon Tara,

I know we talked about this case, but I'm filing this extension just to make sure I stay on track in case the Court does think that it has jurisdiction currently. I am going to email the judge about the motion withdrawal concern tomorrow morning. Just wanted to let you know what was going on and I didn't surprise you with this filing.

Thank you,
Ben



Benjamin Limbaugh
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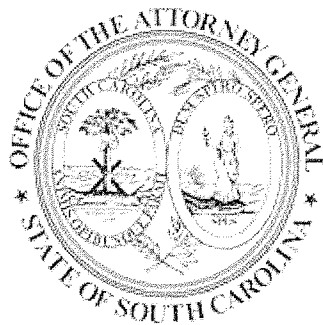
TDSLAW

From: Benjamin Limbaugh [BLimbaugh@scag.gov]
Sent: Wednesday, August 19, 2020 5:00 PM
To: TDSLAW
Subject: Julian Young

Hey Tara,

I spoke with one of my legal assistants and we sent the signed order to Orangeburg a while ago. We have yet to receive the filed or any notice that Orangeburg actually received it. I am calling them tomorrow to find out the status. I wanted to keep my extensions on track in case there is some issue, I figured that was the safest course of action, as we I can correct the timeline when needed. I appreciate all of your help with this matter!

Thank you,
Ben



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TDSLAW

From: Benjamin Limbaugh [BLimbaugh@scag.gov]
Sent: Thursday, September 24, 2020 8:42 AM
To: Tara Shurling
Subject: RE: Julian Young v State

Good morning Tara,

I'm just getting started, but we can certainly talk in a bit. I had been keeping my extensions timely because I had yet to receive a filed order or notice one had been filed. I have been checking the public index myself and the last document they have on file my motion to withdraw. My legal assistant was finally able to get in touch with them this past Friday and they are sending us the filed order, because apparently it exists, but it is still not on the public index. I plan on filing an amended notice of appeal as we discussed, I just did not want any potential issues with my timeliness until/if we received the filed order/notice thereof. You know I would have done so and notified you the second we got the clocked order. I am expecting to receive that order any day now.

Thank you,
Ben

Benjamin Limbaugh
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-----Original Message-----

From: Tara Shurling [mailto:tdslaw@shurlinglaw.com]
Sent: Thursday, September 24, 2020 7:38 AM
To: Benjamin Limbaugh <BLimbaugh@scag.gov>
Subject: Julian Young v State

Sent this by text and followed up with same message as this email:

Good morning, Ben. We need to talk about this case first thing this morning.

The last thing I have on this file is an email from Judge Brown advising that he had signed the order denying the state's Rule 59 (e) motion. He indicated that he had sent that order in for filing. It was my understanding that you were going to file a new notice of appeal after receiving a clicked copy of that order. I never got a clicked copy of that order, but I did check on the public database and confirmed that it had been filed. I don't have that information with me at home this morning but I believe it was filed on August 3, 2020. You had previously assured me on multiple occasions that you would let me know when you got the clocked order and filed a new or superseding notice of appeal. I quit calling you at that point because I was beginning to feel like I was pestering you with reminders that this was still out there to deal with. My notes do not indicate that you and I have discussed this file any further since the last of those conversations.

I just went back through all the incoming mail at my law firm for the last several weeks and still have nothing from the clerk of court serving me with Judge Brown's order on the 59(e). Neither did I see anything about an amended notice of appeal. I haven't had time to go back through all my emails, and I will make time to do that today, but I don't see

where I received any kind of copy of the latest extension request either.

All of this is important because I had decided to file a cross-appeal once I was served with your timely Notice of Appeal, following the order on the 59(e) motion was entered and received by you. It is of course my position that your earlier Notice of Appeal was premature inasmuch as your own 59(e) motion had not yet been ruled upon. If I am in error on any of this please send me copies of relevant documentation so we can get this straight.

I'll give you a call once I get some coffee in me.

Tara

Tara Dawn Shurling
Attorney at Law

Sent from my iPhone