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Mar 15 2021

SC Court of Appeals

State of South Carolina
In the South Carolina Court of Appeals

Appellate Case No. 2019-001614

The State,

Respondent,

v.

Charles Edward Mungin, III, Appellant,

Appellant.

**Petition for Extension
Initial Brief of Appellant**

The Initial Brief of Appellant in the above captioned direct appeal is due for service and filing on today's date. Regrettably, under signed counsel has been unable to complete this Initial Brief. Counsel is currently without any clerical support staff. Counsel has been able to hire a new Administrative Assistant to assist her with scanning mail, taking care of paying office bills and other administrative functions. This employee, however, has very limited experience with clerical work and has been of little assistance with Counsel's appellate obligations. Counsel finds herself in the unenviable position of needing to hire a new paralegal and yet being unable to conduct interviews and/or train a new legal secretary or paralegal due to the pandemic. Counsel's need to strictly adhere to all COVID safety recommendations is exacerbated by the fact that she has a rare autoimmune condition which puts her in a high risk category during the current pandemic. Unfortunately, the medication Counsel has taken for this condition for just over twenty years suppresses her immune system and puts her at still further risk.

In addition to these considerations, On March 1, 2021, Counsel had a severe reaction to her first COVID vaccine. Unlike the majority of people taking this two part vaccine, Counsel became very ill following her *first* dose of the Moderna Vaccine. Instead of the typical sore arm following the first dose, Counsel suffered a bad allergic reaction which caused her injection arm to become seriously inflamed from the injection site down to her elbow and up from the injection site to her collar bone. For nearly 10 days that arm constantly throbbed, it was hot with

inflammation and was extremely painful at the slightest touch. In addition, Counsel ran a low fever and had headaches for several days following the first shot. Thankfully the problems with her arm did abate after about ten days. Counsel has not felt well since that vaccination and has suffered from extreme fatigue. Counsel has continued to work on this, and other cases, but at a far slower pace than is typical for her. Approximately five days ago, Counsel's arm began to get very sore again and, as of yesterday, the injection arm is now once again inflamed to nearly the same extent as in the days immediately following the vaccination on March first. Her constant fever, although not high, is continuing to cause persistent issues with fatigue. Counsel has put a great deal of work into this direct appeal which involves judgments for murder and armed robbery, but she has not yet been able to complete this stage of this appeal. Her client, who has a natural life sentence, has been very understanding about Counsel's situation and has expressly consented to this extension request.

Counsel's internal medicine specialist has instructed her to take Benadryl for this most recent allergic reaction, however that medication makes it impossible to work. Counsel has made every effort to complete the Initial Brief in this case by today's date. Counsel has spoken with opposing counsel, Melody J. Brown, concerning this request and she has graciously indicated that, under these circumstances, she has no objection to my request for an additional thirty day extension in this matter. Nevertheless, Counsel has served Attorney Brown with a copy of this Petition by emailing her a copy of this Petition on today's date. (In compliance with *In Re: Extensions in Criminal and Post-Conviction Relief Cases*, S. C. Sup. Ct. Order dated March 18, 2009) (Davis Adv. Sh. No. 13 at 1). Counsel is scheduled for her second dose of the COVID vaccine on March 29, 2021. Given Counsel's history with a life threatening anaphylactic reaction to a drug approximately 15 years ago, every precaution is being taken to insure that the second dose of this vaccine does not cause a similar result. It is Counsel's goal to complete this brief before her next vaccination dose if at all possible, however, the requested extension would hopefully give her time to get over any adverse reaction to the second dose of vaccine and complete her final draft of this Initial Brief before the requested new due date of April 14, 2021.

Counsel no longer has an associate in her law firm, and therefore, can not have another lawyer in her office certify the necessity of the extension requested. Counsel assures this Honorable Court, however, that she would not seek this extension were it not necessary. She

will do her best not to require a further extension at this stage of this appeal. Counsel wishes to thank the Court for its patience in this matter. This has been a difficult time for everyone and Counsel regrets having to ask for special consideration at this time.

Respectfully submitted

Tara D. Shurling

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ATTORNEY FOR PETITIONER

This 15th day of March, 2021

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Certificate of Service

Undersigned counsel certifies that a true copy of her Petition for a seventh extension of time in which to file the Initial Brief of Appellant has been served up opposing counsel, Melody J. Brown, Senior Assistant Attorney General, this 15th day of March, 2021, by e-mailing the same to the digital address set forth below.

Melody J. Brown
Senior Assistant Deputy Attorney General
mbrown@scag.gov

Tara D. Shurling

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ATTORNEY FOR PETITIONER

This 15th day of March, 2021