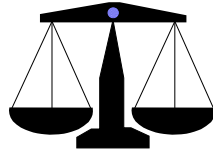


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Nov 08 2021

SC Court of Appeals

TARA DAWN SHURLING, PA

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November 8, 2021

SENT BY E-MAIL TO PARTIES COPIED
WITH HARD COPY TO CLIENT SENT BY U.S. MAIL

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

Re: State of South Carolina v. Aaron McKenzie Capers;
Appellate Case No. 2019-000511.

Dear Ms. Kitchings,

The Initial Brief of Appellant in the above captioned matter is due for service and filing on today's date. Unfortunately, due to some ongoing health issues, I have not been able to complete my preparation of this Initial Brief. In addition, I have not received a copy of an exhibit that has been requested from my client's mother, Sharon Capers, who served as trial counsel for her son. Ordinarily, I would have requested a copy from the Court Reporter but, for some reason that exhibit does not appear to have been marked and entered in the record at the second hearing held on Appellant's Motion to Reconsider Sentence. I believe the record of the second hearing on the Motion for Reconsideration of Sentence makes it abundantly clear that this crucial exhibit had been provided to the Court in advance of the hearing. It was discussed at that hearing and Judge Dennis's remarks at that proceeding make it obvious that he had received and reviewed that exhibit; the Evaluation Report issued by Doctor Donna Maddox, MD, a board certified psychiatrist. It is my intent to request an Order from Judge Dennis confirming that this report was in fact before the Court in consideration of Appellant's prayer for reconsideration and granting leave for a copy of this report to be submitted as a Defendant's Exhibit under seal protect the highly personal nature of some of the information contained therein. For now, I request an additional thirty (30) day extension of time in which to serve and file the Initial Brief of Appellant. I will discuss the matter of this exhibit with opposing counsel and will determine very shortly whether I may need to request another stay and remand just long enough to seek leave of Court from Judge Dennis to file this Defendant's Exhibit under seal.

I very much appreciate the Court's consideration of this request and remain,

Sincerely,

Tara D. Shurling

Tara Dawn Shurling
Attorney and Counselor at Law

TDS/ts

Cc: The Honorable Markley R. Dennis, Jr. (by email)
William M. Blich, Jr., Esquire (by email)
Sharon Capers, Esquire, Trial Counsel, (by email)
Aaron Capers, Appellant (by USPS)
Christopher Capers, Father of Appellant (by email)

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**IN THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals**

APPEAL FROM BERKELEY COUNTY
Court of General Sessions
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2019-000511.

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

AARON MCKENZIE CAPERS

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of Appellant's Request for a thirty (30) day extension of time in which to serve and file the Initial Brief of Appellant, and the Designation of the matter, in the above captioned direct appeal has been served on opposing counsel this November 8, 2021 email to the address listed below.

William M. Blicht, Jr.
Senior Assistant Deputy Attorney General
wblitch@scag.gov

s/ *Tara D. Shurling*

TARA DAWN SHURLING

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ATTORNEY FOR PETITIONER.