

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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**RECEIVED**  
FEB 10 2022  
SC Court of Appeals

Lower Court Cases No. 2018-GS-08-00532, 2018-GS-08-00531, 2018-GS-08-00528,  
2018-GS-08-00529 and 2018-GS-08-00530

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Appellate Case No. 2019-000511

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THE STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

AARON MCKENZIE CAPERS

APPELLANT.

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PETITION FOR EXTENSION OF TIME  
IN WHICH TO FILE  
INITIAL BRIEF OF APPELLANT AND  
DESIGNATION OF THE MATTER

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Now comes Appellant in the above captioned direct appeal, **Aaron McKenzie Capers**, acting through his undersigned counsel, requested an additional extension of time in which to file the Initial Brief of Appellant, and Designation of the Matter in his case. This is, by Counsel's count, the fourth extension requested in this appeal since she received the last of the transcripts ordered for the perfection of this appeal. Counsel now requests an additional thirty (30) days in which to submit the Initial Brief, and Designation of the Matter, for the following reasons.

As Counsel previously notified the Court, on November 28, 2021, she severely burned her right arm in a kitchen accident. Counsel was not released to return to work until December 13,



2021. Then on December 7, 2021, her ninety-one (91) year old father suffered a pulmonary embolism and was hospitalized for three and a half weeks. Since his discharge from the hospital, Counsel has been largely responsible for making arrangements for his care and treatment. Toward that end, Counsel has had to arrange for and schedule rehabilitation therapy, home nursing, nurse practitioner care and appointments with a specialist to determine his treatment needs and to schedule appointments for him. In addition, Counsel has been actively aiding her mother in meeting her father's daily needs. While it is a privilege to provide for her father's care, all of this has understandably required much of her time. Thankfully, a routine has begun to develop and Counsel has in recent days been able to return to what more closely resembles her normal working hours. As an only child, Counsel has no one with who to share these responsibilities. And, as an only child who is extremely close to her parents, this has been an emotionally difficult time.

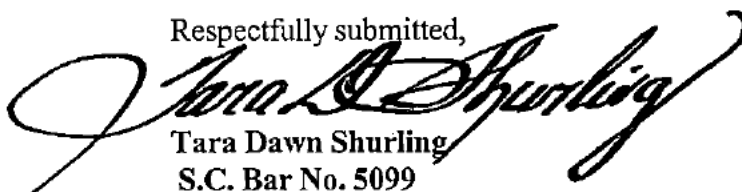
In addition to these factors, Counsel has discovered that trial counsel, who is Appellant's mother, apparently did not introduce a copy of a psychiatric evaluation conducted by Donna Maddox, MD, on the record. While it was referenced during the hearings held on Appellant's post-trial Motion to Reconsider Sentence, a copy of the report was apparently not presented to the Court Reporter for filing. Counsel had previously advised the Court of her intent to consult with Judge Dennis, and opposing counsel on appeal, William Blich, Esquire, concerning this matter in order to determine how best to resolve this clerical error. Furthermore, due to the highly personal nature of the report in question, Appellant seeks to have this exhibit submitted under seal for purposes of this appeal. Regrettably, between Counsels's recovery from her burn, and her father's hospitalization, that oversight was not followed up on. Counsel intends to do so this week. Counsel remains mindful of the delay that has already taken place in the perfection of this direct appeal, but very respectfully urges this Honorable Court to recognize that the majority of that delay was related to

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the post-trial motions which were not heard until after the Notice of Appeal was filed in this matter. Furthermore, the lower court thankfully permitted trial counsel to obtain a psychiatric evaluation of Appellant *after* the initial hearing on the post-trial Motion for Reconsideration of Sentence. Obtaining that evaluation, and a report there from, contributed to the delay in this matter.

Counsel has discussed her need for this additional extension with Attorney Blich and he has graciously indicated that he does not intend to oppose this request. Inasmuch as Counsel is a sole practitioner, she has no other attorneys in her office available to attest to the necessity of this request. I would very much appreciate the Court's continued consideration during this very difficult time.

Respectfully submitted,



Tara Dawn Shurling  
S.C. Bar No. 5099  
Attorney and Counselor at Law

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**ATTORNEY FOR APPELLANT**

**Other Counsel of Record**

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

This 7<sup>th</sup> day of February 2022.

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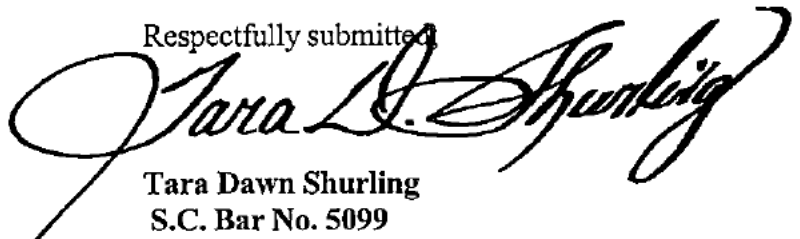
AARON MCKENZIE CAPERS

APPELLANT.

CERTIFICATE OF SERVICE  
OF  
PETITION FOR EXTENSION OF TIME  
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DESIGNATION OF THE MATTER

Now comes Appellant in the above captioned direct appeal, acting through his undersigned counsel, who hereby certifies that she has on today's date served opposing counsel, William M. Blich, Jr., Senior Assistant Deputy Attorney General, with a copy of her fourth request for an extension of time in which to file the Initial Brief of Appellant and the Designation of the matter. These documents were served upon opposing counsel by way of a copy of these documents being sent to Attorney Blich through the USPS to P.O. Box 11549, Columbia, S.C., 29211.

Respectfully submitted



Tara Dawn Shurling  
S.C. Bar No. 5099  
Attorney and Counselor at Law

ATTORNEY FOR APPELLANT

This 7<sup>th</sup> day of February, 2022

