

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
Clifton Newman, Presiding Circuit Judge

Appellate Case No. 000096

RECEIVED

Mar 03 2022

S.C. SUPREME COURT

DARRELL WILLIAMS, #334447,

Petitioner,

v.

THE STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

NOW COMES the Petitioner in the above captioned matter, asking that his PCR appeal be reinstated pursuant to Rule 260 (a), SCACR. Petitioner gave notice of his appeal from the Final Order of Dismissal in the above captioned matter on January 26, 2022. The Final Order of Dismissal was received by circuit court PCR Counsel, Benjamin A. Stitely, on December 27, 2021. Undersigned Counsel was hired to file this Notice of Appeal and to draft and file a submission pursuant to Rule 243, SCACR, articulating the reasons why this appeal should be allowed to move forward. This is an appeal from a second PCR action addressing the same judgment and sentence as the first.

At the time the NOA was served and filed, undersigned attempted to contact Attorney Stitely concerning this matter and, although she has attempted to do so multiple times since then,

she has yet to be able to discuss this matter with Petitioner's PCR Counsel. For that reason, she is unable to articulate for the Court the reason why his PCR Counsel did not file a NOA on Petitioner's behalf beyond the fact that Counsel herein was advised by Petitioner that his PCR Counsel was not going to file an appeal on his behalf and therefore, he was seeking new counsel to do so. At the time she filed the NOA, Counsel had not had the opportunity review all the documentation necessary to properly draft the Rule 243 filing. For that reason, Counsel asked for leave of Court to file the Rule 243 (c) submission for this Notice of Appeal within ten (10) days of the filing of this NOA. That request was granted by Order of this Honorable Court by Order dated January 31, 2022.

Counsel's 92 year old father is gravely ill. He was discharged from the hospital after three and a half week in the hospital, on December 30, 2021 and elected to receive care at home. Counsel's mother, who is 86 years old, is also in poor health and does not drive. Counsel has been responsible for setting up a temporary hospital room for her father in her parent's home. In addition she been handling the scheduling of all his in home nursing care, his rehabilitation care and his house calls from a nurse practitioner who regularly treats her father. Due to these circumstances, Counsel failed to complete the promised Rule 243 letter on time. This PCR appeal was then dismissed on February 16, 2022. To make matter worse, a client Counsel had visited at a correctional institution on February 14, 2022 appeared to be ill. Counsel made the prison officials aware of her observations as she left the institution. By Tuesday Counsel had become ill and later that day Counsel was notified that the Client had tested positive for COVID. Counsel subsequently tested positive for COVID herself on February 16, 2022. Counsel was quite ill, but thankfully tested negative on Friday, February 25, 2022. Unfortunately Counsel developed bad

secondary infections in both ears and her sinuses as a consequence of the congestion she developed with the COVID infection. She is at this time taking antibiotics for these infections.

Counsel came in to her Office on today's date solely to get this Petition completed and to draft the required Rule 243 (c), SCACR, letter required in this case. In what seems like a never ending list of problems, Counsel arrived at her office today to find that her server was off line. The fine folks at Unitas Computer Service were able to get Counsel's server up and running again late this afternoon. Counsel sincerely apologizes for the delay in this matter and asks that the Client not miss his opportunity to be heard due the unfortunate circumstances going on in Counsel's life.

At this time she asks that this Honorable Court reinstate this Appeal and accept as timely the Rule 243 letter which is also being filed on today date.

Respectfully submitted,

S/ *Tara D. Shurling*

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ATTORNEY FOR PETITIONER

This _____ day of March, 2022.

Other Counsel of Record:

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