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Mar 09 2022

SC Court of Appeals

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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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 *fifth* 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.

On Valentine's Day, Monday, February 14, 2022, Counsel went to McCormick Correctional to visit a client who had been found passed out in a bathroom at that institution.

Inasmuch as the Client has a long history of mental illness. I decided I needed to go see him to evaluate his condition and to be sure he was getting adequate care. I visited the client in the warden's conference room and before I left I reported to his staff that I was concerned that my client looked ill and informed them that he had been holding his right side during the entire interview. He was alert and very coherent, but looked physically ill. By late Tuesday I started feeling sick myself. By Wednesday, February 16<sup>th</sup>, I was advised that the client had been moved to quarantine at another institution after testing positive for COVID. That Friday, the 18<sup>th</sup>, I tested positive myself. I tested negative by the 25<sup>th</sup>, but was still very ill. Ultimately, it turned out I had developed a secondary sinus infection and infections in both ears. Apparently such secondary infections are proving common immediately following a COVID infection due to the amount of congestion caused by the virus. I began antibiotics on about March 3, 2022, but I am unfortunately still sick. Since tomorrow will be my seventh day on antibiotics, I fear I am likely to have to take a second round of antibiotics to get over these infections. I have bad sinus issues and historically have a difficult time getting over sinus and ear infections.

As of today, I still have a fever and all the other typical symptoms of both sinus and ear infections. I deeply regret having to ask for another extension in this case. I realize this appeal was already delayed for a significant time period due to the delay in getting the post-trial motions heard and ruled upon. I was not counsel of record on the post-trial motions. Those matters were handled by the Appellant's mother, Sharon Capers, Esquire, who represented him at trial. Unfortunately, I am just too sick to finish this brief. This case involves a transcript that is 801 pages long, as well as multiple motion hearing records. Hopefully, I will be over these infections within the next week and can finally get this brief completed. I very much want to get this direct appeal back on track and will make every effort to do so without any further delay. I no longer have any other attorneys

in my law firm and therefore, have no other counsel to attest to the necessity for this extension. I attempted to contact opposing counsel, William M. Blicht, Jr., Esquire, concerning this extension request, but was unable to do so. By copy of this petition I am asking that he advise this Honorable Court directly concerning his position on this request. I thank the Court very much for their consideration in this matter.

Respectfully submitted,

*Tara D. Shurling*

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

This 9<sup>th</sup> day of March, 2022.

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**CERTIFICATE OF SERVICE  
OF  
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, acting through his undersigned counsel, who hereby certifies that she has on today's date served opposing counsel, William M. Blicht, Jr., Senior Assistant Deputy Attorney General, with a copy of her fifth 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 Blicht by email to the address listed below.

[wblitch@scag.gov](mailto:wblitch@scag.gov)

Respectfully submitted,

*Tara D. Shurling*

**Tara Dawn Shurling**

**S.C. Bar No. 5099**

**Attorney and Counselor at Law**

**ATTORNEY FOR APPELLANT**

This 9<sup>th</sup> day of March, 2022