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Feb 14 2023

S.C. SUPREME COURT

**THE STATE OF SOUTH CAROLINA
In the Supreme Court**

Certiorari to the Berkeley County Court of Common Pleas

**Jennifer B. McCoy
Circuit Court Judge**

**Berkeley County Case No. 2018-CP-08-02576
Supreme Court Case No. 2023-000213**

Gary Fraley #364802..... Applicant/Petitioner,

v.

The State of South Carolina.....Respondent.

MOTION TO EXCEED PAGE LIMITS

The undersigned counsel would respectfully request an order allowing him to file a petition for a writ of certiorari in this case in excess of the twenty-five page limit imposed by Rule 243(e)(3), SCACR. In support of this motion, counsel would show this Court:

1. The Petitioner’s petition contains twelve issues for appeal. The PCR court’s order denying relief is forty-nine pages long and the Petitioner’s motion to alter or amend that order is 176 pages long. The appendix in this matter exceeds 1400 pages.

2. Counsel has made every effort for conciseness and brevity in the twelve issues on appeal. However, in order to provide this Court with the facts as presented at trial and the facts necessary to understand the issues in the PCR action, it is necessary to exceed the twenty-five-page limit.

3. Seven of the twelve issues on appeal were raised to the PCR court but not ruled upon, even after a motion to alter or amend. These issues will require additional treatment in the petition, adding to its length.

4. Consequently, counsel respectfully requests this Court allow him to file a petition for a writ of certiorari not in excess of 40 pages (excluding cover page, table of contents and table of authorities).

5. Counsel for Petitioner has consulted with the State regarding this relief, and the State takes no position on this motion.

Dated: 02/14/2023

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