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May 19 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIORARI TO AIKEN COUNTY  
Court of Common Pleas  
Judge Robert J. Bonds, Circuit Court Judge

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Appellate Case No. 2022-001088

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Harold Cartwright,

Respondent,

v.

State of South Carolina,

Petitioner.

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**PETITIONER'S MOTION TO EXCEED PAGE LIMITS  
FOR THE PETITION FOR A WRIT OF CERTIORARI  
PURSUANT TO RULE 243, SCACR**

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COMES NOW, Petitioner, above named, by and through the undersigned counsel, making its Motion to Exceed Page Limits for the Petition for a Writ of Certiorari Pursuant to Rule 243, SCACR, would show unto this Court:

I.

Petitioner's Petition for a Writ of Certiorari in the above-captioned matter is due to be filed and served on May 19, 2023. In this case, Respondent sought post-conviction relief based on fifty-five allegations of ineffective assistance of counsel. The lower court, in a 65-page order, granted post-conviction relief to Respondent on twelve separate grounds of ineffective assistance of counsel based on the "cumulative error" doctrine. Any one of these grounds would independently suffice to uphold the decision of the lower court. Therefore, any ground left

unchallenged would become the “law of the case,” precluding Petitioner from succeeding on appeal. While Petitioner appreciates the importance of tailoring an appeal to address only the most important errors of the lower court, such restraint is not possible in this case.

Rule 243(e)(3), SCACR, imposes a twenty-five page limit on petitions for writs of certiorari to review post-conviction relief decisions. The cover page, table of contents, statement of the issues presented for review, statement of the factual and procedural history of this case, and conclusion together occupy ten pages, despite Petitioner’s attempts to make them as concise as possible. That would leave only fifteen pages for Petitioner’s analysis of the lower court’s twelve ineffective assistance findings.

After extensive revisions in an attempt to comply with the page limit of Rule 243(e)(3), Petitioner has not been able to reduce the total length of the Petition to fewer than 37 pages. Accounting for the ten pages unrelated to the analysis, this averages to slightly over two pages per issue, which is not an unreasonable length under these circumstances.

Therefore, Petitioner respectfully asks to be permitted to file a 37-page Petition in this case. The undersigned counsel apologizes for any inconvenience this request has caused to the Court and does not believe this request will result in any prejudice to Respondent should it be granted.

## II.

WHEREFORE, Respondent respectfully asks that this Court relax the requirement of Rule 243(e)(3), SCACR, and allow Petitioner to file a 37-page Petition for a Writ of Certiorari; that the Court hold the deadline for filing the Petition in abeyance until a decision is reached on the present motion; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

ZACHARY W. JONES  
Assistant Attorney General  
S.C. Bar # 104174

P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-3737

By:



ATTORNEYS FOR PETITIONER

May 19, 2023