

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Greenville County
Edward W. Miller, Circuit Court Judge

Appellate Case No. 2013-001026

RECEIVED

JUN 25 2014

S.C. Supreme Court

FREDDIE EUGENE OWENS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO EXCEED PAGE LIMIT
TO FILE RETURN TO PETITION FOR
WRIT OF CERTIORARI**

The Return to the Petition for Writ of Certiorari is due to be filed and is being filed today. Although undersigned counsel has diligently worked to edit and shorten the Return to Petition for Writ of Certiorari, counsel believes that adequate treatment of the issues raised in the Petition requires a Return longer than the twenty-five (25) pages allowed by Rule 243(e), SCACR. Counsel notes Petitioner's Petition for Writ of Certiorari is **ninety-one (91) pages** in length. Further, Petitioner raises issues to this Court that were not raised or properly raised to the PCR Court and those issues must be discussed. Additionally, Petitioner raises a separate ground of cumulative error, which has not been recognized by this Court and has been rejected by the Fourth Circuit Court of Appeals, and must be addressed. Further, within the four (4) grounds raised in his Petition, Petitioner raises approximately thirteen (13) separate grounds for relief.

Further, Counsel would note this is a capital PCR case. Petitioner was tried and convicted in 1999, but had three (3) separate death penalty proceedings which must be discussed in the procedural history *and* given the issues raised by Petitioner at PCR and those in his Petition to this Court. Counsel believes that a Return to Petition for Writ of Certiorari of not more than one-hundred and twenty five (125) pages is necessary to adequately address the questions presented in this case. Thus, counsel respectfully requests the Court permit filing of a Return to Petition for Writ of Certiorari of up to one-hundred and twenty-five (125) pages.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

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Senior Assistant Deputy Attorney General

ANTHONY MABRY
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ATTORNEYS FOR RESPONDENT

By: 

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June 23, 2014

CERTIFICATE OF SERVICE

I, **Anthony Mabry**, hereby certify that I have served the Motion to Exceed Page Limit to File Return to Petition for Writ of Certiorari in the foregoing action by depositing copies in the United States mail, postage prepaid to the following:

Emily C. Paavola, Esquire
Death Penalty Resource & Defense Center
900 Elmwood Avenue, Ste. 101
Columbia, SC 29201

Keir M. Weyble, Esquire
Cornell Law School
Myron Taylor Hall
Ithaca, NY 14853

This 23rd day of June, 2014.



ANTHONY MABRY
Assistant Attorney General