

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to the Court of Appeals
Appeal from Pickens County
Honorable G. Edward Welmaker, Circuit Court Judge
Appellate Case No. 2014-001507

RECEIVED

SEP 15 2014

S.C. Supreme Court
Respondent,

THE STATE,

vs.

MARK STANLEY PETERS,

Petitioner.

**MOTION TO EXCEED PAGE LIMITS
FOR RETURN TO PETITION FOR
WRIT OF CERTIORARI**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On August 25, 2014, Petitioner Mark Stanley Peters filed a Petition for Writ of Certiorari to the Court of Appeals. As a result, the Return to Petition for Writ of Certiorari is due to be served and filed on September 24, 2014.

II.

In his twenty-five-page-long petition for a writ of certiorari, Petitioner raised the following issue: “Whether the Court of Appeals erred by finding the trial court properly qualified witness Galloway-Williams as an expert in the field of ‘counseling children who are

victims of sexual abuse and their family members' since she was not qualified to testify as an expert, her opinion about child sex abuse cases in general would not assist the jury, the Court's reliance on State v. Weaverling was erroneous since it is no longer good law, and the 'expert's' testimony was not reliable?" Due to the fact-intensive nature of the issue being raised coupled with the necessity of addressing a procedural bar resulting from Petitioner's failure to challenge certain findings of the Court of Appeals in his petition for rehearing, the State requests permission to exceed the twenty-five page limit permitted for a return to a petition for writ of certiorari in order to enable the State to thoroughly and completely address the issue raised in the Petition for Writ of Certiorari. See Rule 242(f), SCACR ("The total length of a return shall not exceed twenty-five (25) pages."). The undersigned counsel believes no more than twenty-eight pages will be required to complete the Return and asks this Court to permit the State to exceed the page limit for the Return by three pages. The State further asserts this request will not result in any prejudice to Petitioner.

WHEREFORE, the State prays that the Court allow the page limits for the Return to Petition for Writ of Certiorari to be extended to twenty-eight pages; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By:


Mark R. Farthing

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

September 24, 2014

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IN THE SUPREME COURT

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PROOF OF SERVICE

I, Ellen R. DuBois, certify that I have served the within Motion to Exceed Page Limits for Return to Petition for Writ of Certiorari on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Dudek, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 24th day of September, 2014.


ELLEN R. DuBOIS
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

September 24, 2014

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SEP 15 2014

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: State v. Mark Stanley Peters – Appellate Case No. 2014-001507

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the within Motion to Exceed Page Limits for Return to Petition for Writ of Certiorari, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Robert M. Dudek, Esquire
Victim Services