

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ABBEVILLE COUNTY
Court of Common Pleas
(Heard in Laurens County)

The Honorable R. Lawton McIntosh, Circuit Court Judge

Case No. 2009-CP-01-00105

Appellate Case No. 2013-001076

Marshall Ray Miller, #249557 Petitioner,

v.

State of South Carolina Respondent.

**PETITIONER'S OPPOSITION TO
RESPONDENT'S MOTION(S) TO STRIKE**

The undersigned *pro se* Petitioner for Writ of Certiorari respectfully moves this Honorable Court, pursuant to Rule 240(e), SCACR, to deny Respondent's Motion(s) to Strike, to wit:

Motion to Strike Appendix

Respondent has moved to Strike pages 1 – 13 of the Supplemental Appendix and the Second Supplemental Appendix as not being part of the lower court record, pursuant to Rule 243(f)(1), SCACR.

Petitioner submits that each document in pages 1 – 13 of the Supplemental Appendix was generated by a federal or South Carolina court or agency pertaining to the

subject conviction and incarceration of Petitioner in South Carolina and before this Court. To Petitioner's knowledge, the PCR Court clearly stated he had the records before it of: "[a] copy of the Statewide Grand Jury Clerk regarding the subject convictions..."¹, "Appellate Court Records..."² and records from the South Carolina Department of Corrections³ (Appendix 2118).

Motion to Strike Petition for Writ of Certiorari

Petitioner submits that he has filed this date a motion to exceed the page limit set forth in Rule 243(e) (3), SCACR. Respondent's motion to strike will become moot upon the granting of the extension of the page limit. Petitioner reiterates that the additional requested pages are necessary for the complex issues involved in this matter and to bar Petitioner from litigation of these matters would result in only half a bite of the apple or a bar to Petitioner litigating and exhausting his federal constitutional claims in the state's highest court.

Petitioner submits that even in the most concise form, it is necessary to request additional pages beyond the limit in Rule 243(e) (3).

¹ These encompass the Motion to Rescind (Supp. App. 9 – 11) and Protective Order (Supp. App. 14 – 16).

² Appellate Court Records, as argued by counsel at PCR, encompassed the correspondence such as Supp. App. 12 – 13.

³ SCDC Records would include the annotated cover page of the January 6, 2006 Protective Order where agency personnel clearly denied Petitioner access to the discovery material, but Respondents at PCR argued to the contrary.

WHEREFORE, based on the foregoing, Petitioner respectfully moves this Honorable Court to deny Respondent's Motion(s) to Strike the Appendix and Strike pages 26 through 37 of the Petition.

Respectfully submitted,

November 13, 2014

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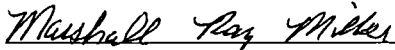
State of South Carolina, Respondent.

PROOF OF SERVICE

The undersigned *pro se* petitioner, Marshall Ray Miller, hereby certifies that he has served a true and correct copy of the **PETITIONER'S OPPOSITION TO RESPONDENT'S MOTION(S) TO STRIKE** on counsel for Respondents and the Office of Appellate Defense by placing a copy in the U.S. Mail, first-class postage affixed thereto, this 14th day of November, 2014, addressed as follows:

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