

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Calhoun County
The Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2014-002131

RECEIVED

JUL = 8 2015

S.C. Supreme Court

MIKAL D. MAHDI,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

MOTION TO EXCEED PAGE LIMIT

The above-named Respondent hereby makes a motion to this Court, pursuant to Rule 208(b)(5), SCACR, to file a Return in excess of the page limit for the following reasons:

1. This is a capital PCR case and contains twenty-eight (28) volumes of Appendix;
2. The Final Order of Dismissal of the PCR Court is one hundred and thirty two (132) pages;
3. The Petitioner was sentenced to death in a written sentencing Order of twelve (12) pages;
4. This is an appeal from the denial of PCR in which Petitioner called numerous witnesses and introduced numerous documents below, but is only raising on appeal the failure to call specific witnesses who testified below; as a result, Respondent must discuss in its Return to the Petition for Certiorari exactly what occurred below before the PCR Court and why the PCR Court ruled the way that it did;

5. Petitioner is raising a claim of failure to investigate and present specific mitigation witnesses; and as a result, Respondent must discuss the procedural history of this case along with counsel's mitigation investigation, counsel's presentation at sentencing, and the reasons for its mitigation presentation;
6. Respondent cannot adequately address the procedural history, the sentencing order, the presentation below, or the issue raised in twenty-five (25) pages);
7. Respondent has consulted with opposing counsel Seth Farber, Esquire, and he does not oppose this Motion.

Respondent therefore respectfully requests permission to file a Return to the Petition for Certiorari not to exceed sixty-five (65) pages in order to properly respond.

Wherefore, Respondent respectfully requests to file a Return to Petition for Writ of Certiorari to exceed twenty-five (25) pages in order to properly address Petitioner's allegations.

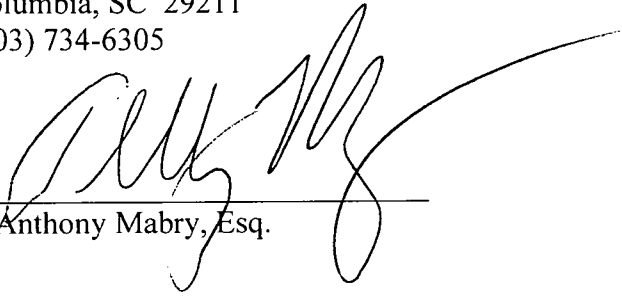
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General
S.C. Bar No. 11973
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

By: 
J. Anthony Mabry, Esq.

July 8, 2015.

**STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

Appeal from Calhoun County
The Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2014-002131

MIKAL D. MAHDI,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

I, J. Anthony Mabry, do hereby certify that I have this date served the Respondent's Motion to Exceed Page Limit in the foregoing action on the Petitioner by depositing copies of the same in the United States Mail to:

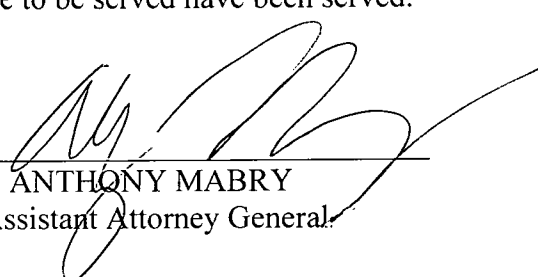
Seth C. Farber, Esquire
Winston & Strawn, LLP
200 Park Avenue
New York, NY 11006

Brandon W. Duke, Esquire
Winston & Strawn, LLP
1111 Louisiana Street
Houston, TX 77002

Teresa L. Norris, Esquire
Blume Norris & Franklin-Best, LLC
900 Elmwood Avenue, Suite 101
Columbia, SC 29201

I further certify that all parties required by Rule to be served have been served.

This 8th day of July, 2015.



J. ANTHONY MABRY
Assistant Attorney General.