

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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APPEAL FROM CALHOUN COUNTY
Court of Common Pleas

S.C. Supreme Court

Doyet A. Early, III, Circuit Court Judge

Case No. 09-CP-09-164

Mikal D. Mahdi, #5238,Petitioner,

v.

State of South Carolina,Respondent.

MOTION TO EXCEED PAGE LIMIT
ON PETITION FOR WRIT OF CERTIORARI

Petitioner, Mikal D. Mahdi, a death-sentenced inmate requests authorization to exceed the 25 page limit in his petition for writ of certiorari from the denial of post-conviction relief. In support of this motion, Petitioner respectfully submits the following:

1. This is a capital case. Mahdi pled guilty to murder, second degree burglary, and grand larceny in Calhoun County. He was sentenced to death on December 8, 2006 by The Honorable Clifton Newman. He was also sentenced to 15 years for burglary and 10 years for grand larceny. This Court affirmed. *Mahdi v. State*, 383 S.C. 135, 678 S.E.2d 807 (2009). Mahdi filed an Application for Post-Conviction Relief (PCR) on August 18, 2009, prior to the appointment of PCR counsel. The PCR application was amended three times with the assistance of counsel, with a Final Application filed on March 3, 2011. An evidentiary hearing was held on

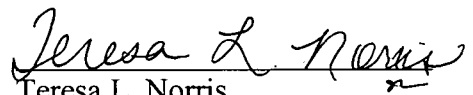
March 9 to 11, 2011. On December 18, 2012, The Honorable Doyet A. Early, III, issued an Order of Dismissal, filed January 8, 2013, denying and dismissing the allegations of the Final Amended Application with prejudice. The State subsequently filed a Rule 59(e), SCRPC, Motion to Alter or Amend the Judgment. On August 18, 2014, Judge Early granted the State's Rule 59 Motion and entered an Amended Order of Dismissal, filed August 20, 2014, denying and dismissing the allegations of the Final Application with prejudice. Following the denial of Mahdi's Motion to Alter or Amend the Judgment, a notice of appeal was timely filed in this Court on October 8, 2014.

2. Mahdi's 27-page petition was filed on January 5, 2015. Due to oversight, however, the undersigned counsel failed to file a motion to exceed the 25 page limit set forth in Rule 227(d)(3), SCACR.

3. Mahdi now requests permission to exceed the limit. This extended petition was necessary for several reasons. First, the petition contains a very fact-intensive claim of ineffective assistance of trial counsel for failing to adequately investigate and present mitigation evidence in sentencing. Second, the PCR court's order itself is 133 pages long. In order to adequately address all of the findings of the PCR court and to adequately present the issue to this Court Petitioner exceeded the page limit.

WHEREFORE, Mahdi requests that this Court grant leave to exceed the page limit and that the Court accept his 27-page Petition for Writ of Certiorari filed on January 5, 2015.

July 9, 2015


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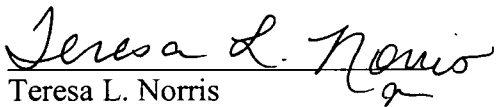
v.

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PROOF OF SERVICE

I certify that I have served the Motion to Exceed Page Limit by depositing a copy of it in the United States Mail, postage prepaid, on July 9, 2015, addressed to Respondent's counsel of record, Anthony Mabry, Assistant Attorney General, Post Office Box 11549, Columbia, SC 29211.

July 9, 2015


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