

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Honorable Clifton Newman, Circuit Court Judge
Appellate Case No. 2015-001968

RECEIVED

OCT 26 2015

S.C. Supreme Court

THE STATE,

Respondent,

vs.

AHMAD JAMAL WILKINS,

Petitioner.

**MOTION TO ALLOW THE FILING OF A RETURN TO PETITION FOR
WRIT OF CERTIORARI EXCEEDING TWENTY-FIVE PAGE LIMIT**

The undersigned counsel for Respondent would respectfully ask this Court to relax Rule 242(f), SCACR, and permit the filing of a Return to Petition for Writ of Certiorari exceeding the twenty-five page limit for the following reasons:

I.

Rule 242(f), SCACR, provides that “the total length of a return shall not exceed twenty-five (25) pages. Respondent would ask Court to relax Rule 242(f), and to permit the filing of the attached Return to Petition for Writ of Certiorari that is twenty-seven pages long, including the signature page because, it is respectfully submitted, that such a pleading is necessary to appropriately respond to the issues as raised by Petitioner.

II.

Ahmad Jamal Wilkins (Petitioner) is currently serving a life sentence for the February 3,

2009 murder of Ebony Williams, in Richland County, South Carolina. The Richland County Grand Jury indicted Petitioner for murder on October 5, 2011 (2011-GS-40-4656). **R. p. 1208-09**. Following an April 9-13, 2012 trial before the Honorable Clifton Newman, a Richland County jury convicted Petitioner of murder (**R. p. 1090, lines 14-17**) and Judge Newman sentenced him to life imprisonment. **R. p. 1099, lines 6-7; R. p. 1210**. Assistant Richland County Public Defenders Brian Shealey, Luke Shealey, and James May represented Petitioner in the trial court. Assistant Solicitors Kathryn Luck Campbell, Meghan Walker, and Nicole Simpson, of the Fifth Circuit Solicitor's Office, prosecuted the case.

Petitioner filed a written motion for new trial on April 20, 2012. **R. p. 1196-1200**. The State made its first Response to his motion on April 30, 2012. **R. pp. 1201-07**. Judge Newman held a hearing on his motion on June 1, 2012. At the conclusion of the hearing, he denied the motion. **R. pp. 1101-84**.

Petitioner timely served and filed a notice of appeal. After briefing by the parties, the Court of Appeals heard oral arguments on May 6, 2015. The Court of Appeals then affirmed Petitioner's conviction and sentence in an unpublished opinion filed on July 22, 2015. *State v. Wilkins*, 2015-UP-365 (S.C. Ct. App. filed July 22, 2015). **App. pp. 14**. Petitioner filed a timely Petition for Rehearing (**App. pp. 5-25**), which the Court of Appeals denied on August 19, 2015. **App. pp. 26-27**. Petitioner thereafter filed a Petition for Writ of Certiorari, which is dated September 25, 2015.

III.

The Petition for Writ of Certiorari, which is itself twenty-five pages long, presents for questions for this Court's review. All four of these issues are fact intensive. His first issue challenges the trial judge's ruling allowing a witness to testify concerning admissions that

Petitioner made to the witness while both men were housed at the Alvin Glenn Detention Center.

His second and third issues are challenges to the trial judge's ruling which prevented him from introducing hearsay evidence in his case-in-chief or in surrebuttal. This hearsay evidence was designed to implicate a third party in the victim's murder without any evidence, whatsoever, that the third party may have been involved in the crime. The fourth claim raises an alleged violation of *Brady v. Maryland*, 373 U.S. 83 (1963), suppressing evidence that reply witness Lt. Myron Kelly, self-reported to the Columbia Police Department's Internal Affairs unit that someone started a rumor that he had been arrested for killing Ebony Williams. Respondent submits that the trial judge properly denied this motion because (1) no report was issued by Internal Affairs, (2) the evidence was not materially exculpatory or impeaching under Brady and its progeny and, (3) as correctly found by the Court of Appeals, this information was both disclosed to the defense and heard by Wilkins' jury.

The Initial Brief of Respondent and the Final Brief of Respondent were forty-seven pages long. If the Court grants this motion, Respondent intends to file the attached Return to Petition for Writ of Certiorari which is twenty-seven pages long.

Therefore, Respondent would ask the Court to grant it permission to file a Return to Petition for Writ of certiorari exceeding the twenty-five page limit.

Respectfully submitted,

ALAN WILSON
Attorney General

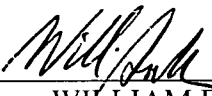
JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

DANIEL E. JOHNSON
Solicitor, Fifth Judicial Circuit
1701 Main Street, 3rd Floor
Columbia, SC 29201
(803) 576-1802

October 26, 2015.

By:  _____
WILLIAM EDGAR SALTER, III

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal to Richland County
Honorable Clifton Newman, Circuit Court Judge
Appellate Case No. 2015-001968

THE STATE,

Respondent,

vs.

AHMAD JAMAL WILKINS,

Petitioner.

PROOF OF SERVICE

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion to Allow Filing of a Return to Petition for Writ Certiorari Exceeding Twenty-Five Page Limit by depositing two (2) copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Susan B. Hackett, Esquire, SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 26th day of October, 2015.



WILLIAM EDGAR SALTER, III

Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT