

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Clarendon County
The Honorable William Jeffrey Young, Circuit Court Judge
Appellate Case No. 2014-001219

RECEIVED
FEB 24 2016
SC Court of Appeals

THE STATE,

Respondent,

vs.

JUSTIN JERMAINE JOHNSON,

Appellant.

**MOTION TO ALLOW THE FILING OF AN INITIAL BRIEF
OF RESPONDENT EXCEEDING TWENTY-FIVE PAGE LIMIT**

The undersigned counsel for Respondent would respectfully ask this Court to relax Rule 208(b)(5), SCACR, and permit the filing of an Initial Brief of Respondent exceeding the fifty page limit for the following reasons:

I.

Rule 208(b)(5), SCACR, provides that "Except in cases in which a sentence of death has been imposed, principal briefs shall not exceed fifty (50) pages, and reply briefs shall not exceed twenty-five (25) pages. On motion, the appellate court may grant a party permission to exceed those limitations." Respondent would ask Court to relax Rule 208(b)(5), and to permit the filing of the attached Initial Brief of Respondent that is fifty-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 the Appellant.

II.

Appellant has raised six issues in the Initial Brief of Appellant, including two claims of alleged deprivation of constitutional right. Specifically, he asserts that he was denied his Sixth Amendment rights under the Confrontation Clause by the trial judge's ruling which permitted a witness to testify via Skype. This is a novel issue that neither this Court nor the Supreme Court of South Carolina has decided., and there is a split of authority from outside this jurisdiction on how such a situation should be analyzed.

Appellant also contends that his statement to law enforcement (State's Ex. 64) was involuntary. This issue is very fact-intensive, and involves events occurring over a period of almost seven hours of questioning. Additionally, Respondent has addressed all procedurally barred issues that Appellant has raised in the alternative and Respondent has argued that all of the preserved appellate issues are harmless beyond any reasonable doubt.

III.

The Initial Brief of Appellant is fifty pages long and the record of all proceedings is over one thousand pages. Respondent intends to file the attached proposed Initial Brief of Respondent which is fifty-seven pages long.

Therefore, Respondent would respectfully ask the Court to grant it permission to file an Initial Brief of Respondent exceeding the fifty page limit.

Respectfully submitted,

ALAN WILSON

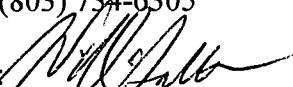
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WILLIAM EDGAR SALTER, III
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By:



WILLIAM EDGAR SALTER, III

ATTORNEYS FOR RESPONDENT

February 22, 2016.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Clarendon County
The Honorable William Jeffrey Young, Circuit Court Judge

FEB 24 2016

Appellate Case No. 2014-001219

SC Court of Appeals

THE STATE,

Respondent,

vs.

JUSTIN JERMAINE JOHNSON,

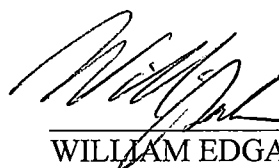
Appellant.

PROOF OF SERVICE

I, William Edgar Salter, III, counsel for the Respondent, certify that I have served the within Motion to Allow Filing of an Initial Brief of Respondent Exceeding Fifty Page Limit by depositing two (2) copies of the same in the United States mail, postage prepaid, addressed to his attorney of record, Laura R. Baer, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 22nd day of February, 2016.



WILLIAM EDGAR SALTER, III
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(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

February 22, 2016

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State v. Justin Jermaine Johnson*
Appeal from Clarendon County
Appellate Case No. 2014-001219

Dear Ms. Kitchings:

Enclosed for filing in your office is an original and six (6) copies of a Motion to Exceed Page Limit, together with the Initial Brief of Respondent, Designation of Matter and Certificate of Service in the above-captioned matter.

Thank you for your assistance in this matter.

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES/dmd
Enclosures

cc: Laura R. Baer, Esq. (w/two copies of encls.)
The Honorable Ernest Finney, III., Solicitor, 3rd Judicial Circuit (w/copy of encls.)
Trisha Allen, Victim Services (w/copy of encls.)

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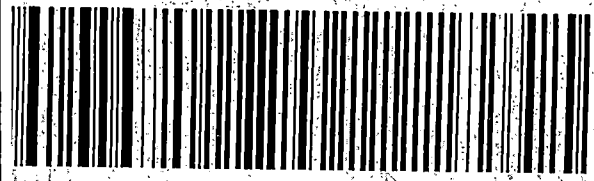
Office of the Attorney General
State of South Carolina

Post Office Box 11549 - Columbia SC 29211-1549

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
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