

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Laurens County
Edward W. Miller, Circuit Court Judge

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APR 14 2016

SC Court of Appeals

THE STATE,

Respondent,

vs.

PRESTON SHANDS, JR.,

Appellant.

Appellate Case No. 2015-001199

**MOTION TO RELAX RULE 208(b)(5), SCACR
AND EXCEED PAGE LIMITS**

This concerns the State's Initial Brief of Respondent to the Supreme Court. The State advises this Court that the brief is sixty-five pages in length. It is in response to Appellant's Initial Brief that is thirty-eight pages in length and raises eight issues, most containing multiple sub-issues. The State moves to relax Rule 208(b)(5), SCACR, because the State, in responding to these arguments of the Initial Brief of Appellant, finds an extended analysis of several topics necessary, including, but not limited to: a comparative analysis of the county and state grand jury systems in response to an equal protection claim, a review of whether hearsay is allowable in grand jury proceedings, analysis of whether the grand jury procedure violates the fifth amendment, analysis of whether a law enforcement officer may be a witness before the grand jury, analysis of

whether the kidnapping statute is constitutional, analysis of whether the current procedure for the order of closing arguments is constitutional, review of whether the implied malice instruction is a charge on the facts, and review of whether the voluntary intoxication instruction is a charge on the facts. The State wishes to ensure its full argument will be presented to this Court.

Accordingly, the State respectfully requests its motion be granted.

Respectfully Submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General
Bar #68571

BY: 

DAVID SPENCER

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

April 14, 2016

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Laurens County
Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

vs.

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PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the Motion To Relax Rule 208(b)(5), SCACR and Exceed Page Limits on Appellant by depositing a copy of the same in the United States mail, postage prepaid, addressed to Ernest Charles Grose, Jr., Esquire, 404 Main St., Greenwood, SC 29646.

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

This 14th day of April, 2016.


Norma Bigbee
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

April 14, 2016

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SC Court of Appeals

VIA HAND DELIVERY

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

RE: **State of South Carolina v. Preston Shands**
Appellate Case No: 2015-001199

Dear Ms. Kitchings:

Enclosed please find the Original Respondent's Motion To Relax Rule 208(b)(5), SCACR and Exceed Page Limits.

Sincerely,

David Spencer
Senior Assistant Attorney General
Bar No: 68571

DS/nb

Enclosures

cc: E. Charles Grose, Jr., Esquire
Trisha Allen