

THE STATE OF SOUTH CAROLINA

In The Supreme Court

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**DEC -5 2016**

CERTIORARI TO THE COURT OF APPEALS

**S.C. SUPREME COURT**

Appeal from Spartanburg County  
Court of Common Pleas

J. Derham Cole, Post-Conviction Relief Judge

Farid A. Mangal, #320609

Respondent,

v.

State of South Carolina,

Petitioner.

Appellate Case No. 2016-000610

MOTION FOR *AMICUS CURIAE* TO PARTICIPATE IN ORAL ARGUMENT

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COUNSEL FOR MOVANT

On June 16, 2016, this Court issued its order allowing the Solicitors' Association of South Carolina, Inc. to participate in this matter as *Amicus Curiae*. For the reasons set out below, the Association respectfully requests permission to participate in the oral argument of this case by using five (5) minutes of the oral argument time designated for the Office of the South Carolina Attorney General.

## I.

The issues raised in this matter by Petitioner arise from a post-conviction relief proceeding include both procedural and substantive issues. The procedural issues are those related to the long-established precedent limiting appellate review to only those issues raised before and ruled upon by the lower court in order to allow for the proper development of a factual record and legal argument. The substantive issues are related to the presentation of opinion evidence by medical experts.

The decision of this Court will impact not only the conviction in this specific case, but could also impact the standard of review in other post-conviction cases, and the admissibility of opinions from medical experts in both civil and criminal cases throughout this state.

The Office of the Attorney General has argued issues relating specifically to this case. The Association has additionally addressed the issues in this case from the standpoint of the potential negative impact of the decision by the Court of Appeals to cases, both criminal and civil, throughout this state.

## II.

The Office of the South Carolina Attorney General has offered to allocate five (5) minutes from its portion of oral argument to allow the Association to present argument on the issues before this Court.

III.

The Association believes that its participation in the oral argument will assist this Court in having a more complete understanding the issues raised in this matter.

WHEREFORE, for all of the foregoing reasons, the undersigned Association respectfully requests leave of this Court to participate in the oral argument of this case by using five (5) minutes of the oral argument time designated for the Office of the South Carolina Attorney General.

Respectfully Submitted,

SOLICITOR J. STROM THURMOND  
President, Solicitors' Association of South  
Carolina, Inc.

SOLICITOR BARRY J. BARNETTE  
Member, Solicitors' Association of South  
Carolina, Inc.

BY:

  
COUNSEL FOR MOVANT

November 30, 2016

Spartanburg, South Carolina

THE STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

I certify that I have served the Motion for *Amicus Curiae* to Participate in Oral Argument on today's date by depositing such in the United States Mail, first class postage prepaid, addressed to counsel of record for both Petitioner and Respondent as follows.

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December 1, 2016

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