

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Horry County
Edward B. Cottingham, Circuit Court Judge

STATE OF SOUTH CAROLINA,

Respondent,

v.

JOSHUA GRIFFITH,

Petitioner

Appellate Case No. 2017-001338

**PETITION TO EXCEED 25 PAGE LIMIT FOR RETURN TO PETITION FOR WRIT
OF CERTIORARI**

The Respondent, above-named, hereby makes a "PETITION TO EXCEED 25 PAGE LIMIT FOR RETURN TO PETITION FOR WRIT OF CERTIORARI." Counsel requests an order to allow the filing of a return to the petition of 46 pages which includes the table of contents, questions presented and conclusion and signature page. The Return is served by separate mailing with this petition. Respondent's below-signed counsel submits that good cause has been met:

I.

This Return is in response to a 32 page Petition which is virtually identical with the Initial Brief of Appellant which raised four issues. The Respondent's Final Amended Brief of

Respondent was 44 pages, which did not include the table of contents or questions presented, which would have been a 50 page brief.

The Court of Appeals opinion was a summary opinion. Counsel for Petitioner opined before this Court and filed a brief essentially similar to his initial filings. Petitioner did update the Petition with intervening cases cited as well as references to the Court of Appeals decision.

In an abundance of caution, Respondent has similarly filed its response, including updated citations and reference to the Court of Appeals opinion. Inasmuch as Respondent sought to concisely present its arguments in the earlier pleading, the nature of the summary opinion of the Court of Appeals, and the Petitioner's reassertion of similar arguments in its Petition, Respondents request its Return be accepted in its present format.

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II.

Counsel has contacted opposing counsel Robert Dudek this date by telephone about this request and they have no objection to the request.

III.

WHEREFORE, undersigned counsel would respectfully request an order from this Court granting him the right to exceed the twenty-five page limit of Rule 243(e)(3), SCACR, and accepting the Return to the Petition for Writ of Certiorari filed certiorari petition filed today with this Court that is not in excess of forty-six (46) pages.

Respectfully submitted,

Donald J. Zelenka
Deputy Attorney General

S.C. Bar # 5758
Attorney for Respondent

August 18, 2017

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#3.

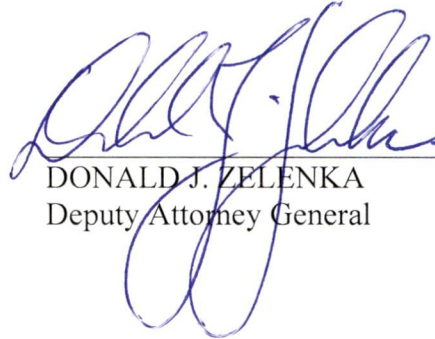
CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, hereby certify that a true copy of the PETITION TO EXCEED 25 PAGE LIMIT FOR RETURN TO PETITION FOR WRIT OF CERTIORARI has been served upon counsel for Appellant by depositing one copy of same in the InterAgency Mail to Mr. Dudek and by U.S. mail, with proper first class postage to Mr. Ehlies, respectively at:

Robert M. Dudek, Esq.
Chief Appellate Defender
SCCID/Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, SC 29201

William Harry "Hank" Ehlies, II, Esq.
Ehlies Law Firm
310 Mills Avenue, Suite 201
Greenville, SC 29605

This 18th day of August, 2017.



DONALD J. ZELENSKA
Deputy Attorney General

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