

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Beaufort County

Honorable Brooks P. Goldsmith, Circuit Court Judge  
\_\_\_\_\_

Opinion No. 5502 (S.C. Ct. App. Filed July 26, 2017)

2011-GS-07-121;  
2014-GS-07-0359  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

PRESTON RYAN OATES,

PETITIONER

APPELLATE CASE NO 2014-001404

\_\_\_\_\_  
MOTION TO EXCEED TWENTY-FIVE PAGE LIMIT FOR A PETITION FOR WRIT OF  
CERTIORARI AS SET BY RULE 242(d)(4), SCACR  
\_\_\_\_\_

Counsel for Petitioner Preston Ryan Oates respectfully requests an order to allow filing the petition for writ of certiorari in excess of the twenty-five (25) page limit imposed by Rule 242(d)(4), SCACR. In support of this motion, counsel presents the following:

1. The petition for writ of certiorari was timely filed on October 2, 2017. The petition, however, exceeds the twenty-five page limit and is thirty-five pages in length.

**ORIGINAL**

**RECEIVED**

**OCT 03 2017**

**S.C. SUPREME COURT**

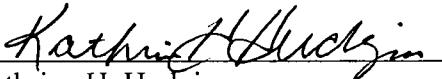
2. The record on appeal in this trial for murder exceeds 1,100 pages and includes a hearing on a motion for immunity from prosecution pursuant to the Protection of Persons and Property Act, S.C. Code §16-11-410-450. Counsel raised three issues in the petition for writ of certiorari. The first issue raised involves immunity from prosecution. The second issue raised involves a directed verdict motion. The third issue raised involves the error of instructing the jury with the lesser included offense of voluntary manslaughter. Counsel made every effort to draft the petition in as concise a manner as possible. Based on the length of the record, however, and the nature of the issues raised counsel was unable to adequately address the issues in the twenty-five (25) page limit imposed by Rule 242(d)(4), SCACR.

3. Counsel respectfully moves this Court to allow the filing of the petition for writ of certiorari in excess of the twenty-five (25) page limit imposed by Rule 242(d)(4), SCACR.

4. Opposing counsel, Mark R. Farthing, of the Office of the Attorney General, consents to this request as indicated by his signature below.

Based upon the above showing, counsel respectfully requests an order from this Court granting the right to exceed the twenty-five (25) pages authorized by Rule 242(d)(4), SCACR. Counsel also requests that the order accept the petition for writ of certiorari in the case as filed, being thirty-five (35) pages in length.

Respectfully submitted,

  
Kathrine H. Hudgins  
Appellate Defender

Attorney for Petitioner

I consent to this request.

*for* ~~Mark R. Farthing~~ *Regan Hariza Jameson*  
Mark R. Farthing  
Assistant Attorney General

October 3, 2017

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Certiorari to Beaufort County  
Honorable Brooks P. Goldsmith, Circuit Court Judge

---

Opinion No. 5502 (S.C. Ct. App. Filed July 26, 2017)

2011-GS-07-121;  
2014-GS-07-0359

---

THE STATE,

RESPONDENT,

V.

PRESTON RYAN OATES,

PETITIONER

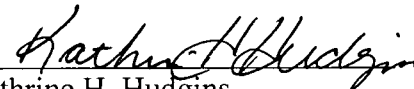
APPELLATE CASE NO 2014-001404

---

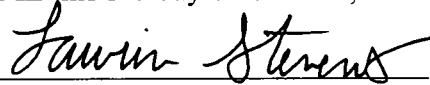
CERTIFICATE OF SERVICE

---

I certify that a copy of the Petition for Writ of Certiorari and a copy of the Appendix in this case has been served on Mark Farthing, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Preston R. Oates, #360469, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 2nd day of October, 2017.

  
Kathrine H. Hudgins  
Appellate Defender  
ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO BEFORE  
ME this 3rd day of October, 2017.

 (L.S)  
Notary Public for South Carolina  
My Commission Expires: July 5, 2027.