

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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On Writ of Certiorari to the Court of Appeals  
Appeal from Beaufort County  
Honorable Brooks P. Goldsmith, Circuit Court Judge  
Appellate Case No. 2017-002012

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S.C. SUPREME COURT

THE STATE,

Respondent,

vs.

PRESTON RYAN OATES,

Petitioner.

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**MOTION TO EXCEED PAGE LIMITS  
FOR RETURN TO PETITION FOR  
WRIT OF CERTIORARI**

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Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

On October 2, 2017, Petitioner Preston Ryan Oates filed a Petition for Writ of Certiorari in this Court. As a result, the Return to Petition for Writ of Certiorari is due to be served and filed on November 2, 2017.

**II.**

In his thirty-five-page-long petition for a writ of certiorari, Oates has raised separate issues and is challenging the Court of Appeals’ rulings on the circuit court judge’s denial of his request for immunity from prosecution, the trial judge’s denial of his directed verdict motion on

the issue of self-defense, and the trial judge's decision to instruct the jury on the lesser-included offense of voluntary manslaughter.<sup>1</sup> Due to the fact-intensive nature of the issue being raised, the State requests permission to exceed the twenty-five page limit permitted for a return to a petition for writ of certiorari in order to enable the State to thoroughly and completely address the issue raised in the Petition for Writ of Certiorari.<sup>2</sup> See Rule 242(f), SCACR ("The total length of a return shall not exceed twenty-five (25) pages."). The undersigned counsel believes no more than thirty-seven pages will be required to complete the Return and asks this Court to permit the State to exceed the page limit for the Return by approximately twelve pages. The State further asserts undersigned counsel for the State has consulted with appellate counsel for Oates in regard to this motion, and Oates's appellate counsel has indicated she has no objection to the State's request.

**WHEREFORE**, the State prays that the Court allow the page limits for the Return to Petition for Writ of Certiorari to be extended to approximately thirty-seven pages; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

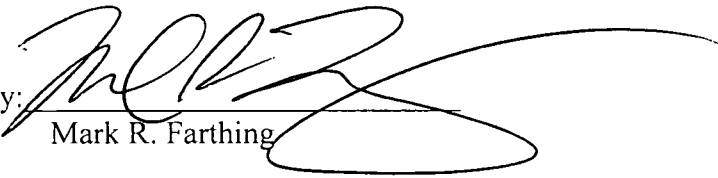
ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

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<sup>1</sup> Oates filed a motion for this Court to permit him to exceed the page limits for his Petition for Writ of Certiorari, and this Court granted that motion through an order dated October 19, 2017. Appellate Records for State v. Preston Ryan Oates, South Carolina Appellate Court Public Index, <http://ctrack.sccourts.org/public/caseView.do?csIID=65865>.

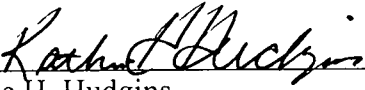
<sup>2</sup> The Record on Appeal in this case is contained in three volumes totaling 1,117 pages. Appellate Records for State v. Preston Ryan Oates, South Carolina Appellate Court Public Index, <http://ctrack.sccourts.org/public/caseView.do?csIID=65865>.

By:   
Mark R. Farthing

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

November 1, 2017

I do not oppose this motion:

  
\_\_\_\_\_  
Kathrine H. Hudgins  
Counsel for Petitioner Preston Ryan Oates

STATE OF SOUTH CAROLINA  
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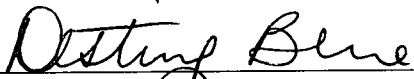
**PROOF OF SERVICE**

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I, Destiny Blue, certify that I have served the within Motion to Exceed Page Limits for Return to Petition for Writ of Certiorari on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Kathrine H. Hudgins, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 1st day of November, 2017.

  
\_\_\_\_\_  
DESTINY BLUE  
Legal Assistant  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727