

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Richland County
Alison R. Lee, Circuit Court Judge

Appellate Case No. ~~2013-002531~~
2016-002146

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NOV 28 2017
S.C. SUPREME COURT

THE STATE,

Respondent,

vs.

JOSHUA WILLIAM PORCH,

Appellant.

MOTION TO EXCEED PAGE LIMITS

Respondent filed the Brief of Respondent on November 6, 2017. Respondent respectfully submits this motion to ensure compliance with the limitations set in Rule 208 (5), SCACR for length of briefs submitted to the Court. In support of this motion, Respondent would respectfully show the Court:

1. Respondent's brief – cover through certificate of service – is a total of sixty-one (61) pages. The text of the brief – from the statement of the case through the conclusion – is fifty (50) pages. Respondent numbered the table of contents, the statement of issues on appeal and the table of cases separately. (See BOR, p. i).

2. Petitioner appeals from his conviction of murder, but this is not a capital case.

3. Rule 208(5) provides: "Except in cases in which a sentence of death has been imposed, principal briefs shall not exceed fifty (50) pages." The rule is silent as to method of calculation, *i.e.*, required inclusions or exclusions.

4. Respondent believed the issues presented and tables were not included. Cf. Supreme Court Rule 33(d) (excluding question presented and tables from word count in documents filed in the Supreme Court of the United States); Rule 32(f), Federal Rules of Appellate Procedure (excluding certain items, including table of contents and table of citations, from length of brief).

5. Upon notification by the Clerk's office that the brief appeared in excess of the Rule 208 length restriction, Respondent agreed to promptly file this motion to seek authorization from the Court for acceptance of the brief filed November 6, 2017.

WHEREFORE, Respondent respectfully request the Court grant this motion to exceed the page limitations and accept the brief which numbers sixty-one pages without exemptions.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ANTHONY MABRY
Senior Assistant Attorney General
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By: 
ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

November 28, 2017.
Columbia, South Carolina.

CERTIFICATE OF SERVICE

I, Anthony Mabry, hereby certify that I have served the Motion to Exceed Page Limits on counsel for Petitioner by depositing a copy to each as follows:

in the United States Mail:

Michael J. Anzelmo, Esquire
Nelson Mullins Riley & Scarborough, LLP
P. O. Box 11070
Columbia, SC 29211

and by InterAgency mail to:

Robert M. Dudek
Chief Appellate Defender
Division of Appellate Defense
1330 Lady Street, Suite #401
Columbia, South Carolina 29201

this 28th day of November, 2017.



ANTHONY MABRY
Senior Assistant Attorney General



ALAN WILSON
ATTORNEY GENERAL

November 28, 2017

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S.C. SUPREME COURT

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
P. O. Box 11330
Columbia, SC 29211

Re: The State v. Joshua William Porch
Appellate Case No. 2016-002146

Dear Mr. Shearouse:

Enclosed for filing are the original and (6) six copies of the Respondent's *Motion to Exceed Page Limits*, accompanied by Certificate of Service in the above-referenced matter. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,

Cynthia S. Mack, Legal Assistant to
Anthony Mabry
Senior Assistant Attorney General

:csm
Enclosures

cc: Michael J. Anzelmo, Esquire
Robert M. Dudek, Esquire
Daniel E. Johnson, Solicitor
Trisha Allen, Victims Assistance