

STATE OF SOUTH CAROLINA  
In The Supreme Court

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**RECEIVED**

AUG 21 2018

APPEAL FROM ORANGEBURG COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

Robert E. Hood, Circuit Court Judge

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Appellate Case No. 2018-000553

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GEORGE W. HUGHES,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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**MOTION TO ENLARGE PAGE LIMITATION  
FOR  
PETITION FOR WRIT OF CERTIORARI**

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NOW COMES Petitioner, Acting by and through his undersigned counsel, requesting leave of court to exceed the page limit set for Petitions for Writ of Certiorari pursuant to by Rule 227 (e) (3), SCRAP. On August 14, 2018, Petitioner filed his Petition for Writ if Certiorari which was seventy-five (74) pages long including the cover and signature pages. In support of this request, Counsel for Petitioner would show unto this Court the following.

Petitioner, who will turn seventy-three (73) on October 15, 2018, was convicted of murder and sentenced to thirty (30) years confinement in the custody of the South Carolina Department of Corrections. He had no prior criminal record. Petitioner had a heart transplant on September 26, 2002, and is in very fragile health. He has been hospitalized twice since he was committed to the South Carolina Department of Corrections, and has been taken to hospital emergency rooms multiple times. At trial he presented a claim that he shot the deceased in self-

defense. The evidence adduced at trial included proof that the deceased was found with a knife in his hand at the scene; a mobile home he was working to restore at the time. Petitioner called 911 and waited by his car for law enforcement and EMS to arrive.

This PCR appeal covers forty-three (43) Sixth Amendment allegations addressed in twenty-two (22) arguments in which his allegations are topically grouped. Undersigned Counsel has made every effort to adequately present all of these issues within the framework of the page limit prescribed by the Appellate Rules. The memorandum in support of this application submitted by Petitioner in the Court of Common Pleas was one-hundred sixty-nine (169) pages long. It is Counsel's intent to petition this Honorable Court for an appeal bond pending the outcome of this appeal pursuant to Rule 227 (e) (3), SCRAP, within the next week. Counsel believes this request is justified in light of the age and failing health of the Petitioner as well as the merit of this appeal. In order to demonstrate the strength of this case on appeal, both to support the grant of the Writ and the request for what Counsel realizes will be an extraordinary prayer for an appeal bond, Counsel for Petitioner asserts that it was vital that she present an adequate argument on the merits of each of these claims.

In light of the number of issues addressed by this PCR appeal, Counsel for Petitioner would state, as an officer of the court, that while the case involves an unusual number of allegations, none of the arguments presented are frivolous and each deserves review on their independent merit. In addition, however, Petitioner also notes that this appeal presents an argument for the grant of relief on the basis of the cumulative prejudice arising from Trial Counsel's many errors and omissions in this case.

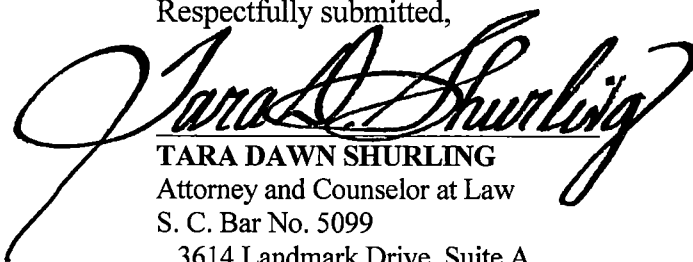
In the course of Counsel's thirty-nine (39) year career as an appellate lawyer she believes she has presented fewer than ten (10) requests to exceed the page limits set by the rules for a Certiorari Petition in a Post-Conviction Relief appeal. Counsel is mindful of the fact that,

through sheer coincidence, she has recently filed a similar petition in a case involving a charge of criminal sexual conduct with a minor. In that matter, this Honorable Court graciously permitted Counsel to file a Petition for Writ of Certiorari not to exceed fifty (50) pages. In the present case the issues involved are more complicated in some respects than those presented in the CSC with a minor appeal. The need for a comprehensive treatment of all the issues involved was, as noted above, made all the more urgent by the fact that PCR Counsel intends to submit a prayer for bond on the highly unusual facts of this case.

In light of the length of the petition filed by Petitioner, the copies of the petition filed with the Court were bound and submitted with plastic covers. Counsel for Petitioner wishes to emphasize that this presentation of the petition was in no way intended to be presumptuous and that Counsel is well aware that this Honorable Court may order her to cut the length of this petition. Given the length of the Petition, there was simply no other appropriate method for securing the pages of this document.

For all the above reasons, undersigned Counsel most respectfully asks that the petition previously filed in this matter be accepted for review as filed.

Respectfully submitted,



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**ATTORNEY FOR PETITIONER.**

This the 21<sup>st</sup> day of August, 2018.

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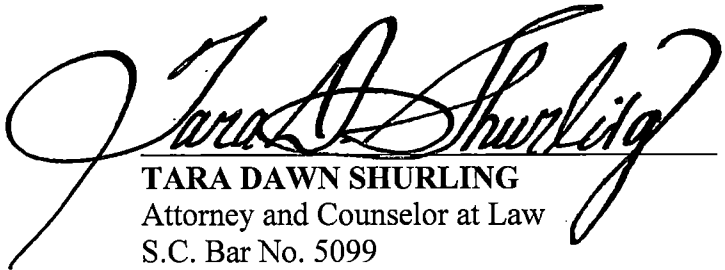
STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Motion to Enlarge Page Limitation for Petition for Writ of Certiorari in the above-entitled case has been served upon opposing counsel this the 21<sup>st</sup> day of August, 2018 by mailing one (1) copy in a stamped envelope properly addressed to:

Christian Saville  
Assistant Attorney General  
Office of the Attorney General  
P. O. Box 11549  
Columbia, SC 29211



TARA DAWN SHURLING  
Attorney and Counselor at Law  
S.C. Bar No. 5099

ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 21<sup>st</sup> day  
of August, 2018.



Suzanne Galvan (L.S.)

My Commission Expires: 2/28/24