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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Greenville County Court of Common Pleas
The Honorable Daniel D. Hall, Circuit Court Judge

Appellate Case No. 2018-000480

Karriem Provet,.....Petitioner,

v.

State of South Carolina,.....Respondent.

**PETITIONER'S RESPONSE TO RESPONDENT'S MOTION TO STRIKE
AND MOTION TO COMPEL FILING OF CORRECTED APPENDIX
WITH INCORPORATED MOTION FOR LEAVE TO EXCEED PAGE LIMITS**

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The undersigned attorneys for Petitioner hereby submit the following response to Respondent's motion to strike and motion to compel filing of a corrected appendix, with Petitioner's incorporated motion to exceed the page limits contained in Rule 243(e)(3). The corresponding amended petition for writ of certiorari and corrected appendix are submitted with this response.

The original petition contained a total length of 41 pages, excluding the cover. The amended petition contains a total of 33 pages, excluding the cover. The amended petition has 30 pages of substantive content. Counsel has reviewed the entire petition multiples times for editing purposes and finds that the petition has been trimmed to the extent possible to preserve the necessary substantive content. While Counsel acknowledges the importance of brevity to the appellate process, the length of the petition is primarily due to the nature of the issues raised. The issues are particularly fact-determinative in that every action taken by the officer during the traffic stop and the timing of each action are significant to the analysis. The test or standard for resolution of the issue is also inherently heavily fact-based. *See e.g., State v. Pichardo*, 367 S.C. 84, 101, 623 S.E.2d 840, 849 (Ct. App. 2005) (“[T]he nature of the reasonableness inquiry is highly fact-specific.”). To further decrease the petition's length, the Table of Authorities has been removed from the petition; Counsel had mistook the rules governing petitions to review PCR actions as containing the same requirement for a Table of Authorities as Rule 208(b)(1)(A). Counsel has also omitted all citing or quoting authorities from parenthetical citations unless otherwise noted.

Counsel respectfully submits that all content remaining in the amended petition is necessary for full examination of the issues raised and for Petitioner to receive the fullest opportunity to obtain relief. Counsel thus respectfully requests this Honorable Court to accept the amended petition despite its length exceeding the maximum contained in Rule 243(e)(3).

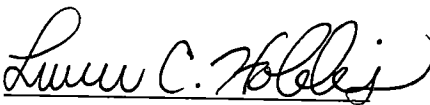
The appendix has also been corrected to include an index as per the Respondent's motion and in compliance with court rules. In the process of correcting the appendix, Counsel noticed duplicate numbered pages in our office's copy and that has now been corrected. Additionally, pages 147 through 160 of the newly filed appendix have been replaced with better quality copies with enlarged margins to prevent the binding from obscuring the pages' content. Citation to the appendix's pages in the new petition have been amended accordingly.

WHEREFORE Petitioner respectfully requests this Honorable Court to grant the motion for leave to exceed the page limit of Rule 243(e)(3) and accept for filing the enclosed amended petition for writ of certiorari and corrected appendix.

Respectfully submitted,

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October 31, 2018

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