

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**ORIGINAL**

Certiorari to Lexington County

J. Cordell Maddox, Circuit Court Judge

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**RECEIVED**

GENE TONY COOPER,

NOV 16 2018

PETITIONER,  
S.C. SUPREME COURT

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2018-001149

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MOTION TO EXCEED THE TWENTY-FIVE  
PAGE LIMIT FOR A PETITION FOR  
WRIT OF CERTIORARI

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The undersigned counsel respectfully requests an order allowing her to file a petition for writ of certiorari in this case in excess of the twenty-five page limit imposed by Rule 243(e)(3), SCACR. In support of this motion, counsel presents the following:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today, November 16, 2018.

2. Counsel has raised three significant issues, which require discussion of the factual background and relevant legal principles. In light of the legal significance of these issues, justice to the issues presented cannot be done in the twenty-five pages authorized by Rule 243(e)(3), SCACR. The appendix in this murder case is one thousand seven hundred and eighty seven pages. Petitioner was originally sentenced to death. However, this Court reversed his convictions and sentence and

remanded for a new trial. Upon his retrial, Petitioner was convicted of murder, armed robbery, kidnapping, and conspiracy to commit armed robbery and sentenced to life without the possibility of parole.

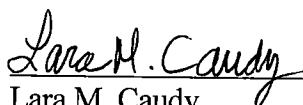
3. Counsel respectfully moves this Court to allow her to file a petition for writ of certiorari not to exceed twenty-nine pages. Counsel has made every effort for brevity.

4. Counsel has been authorized to state opposing counsel, W. Edgar Salter, III, of the Office of the Attorney General, graciously does not oppose this request.

5. The petition for writ of certiorari and accompanying appendix are being filed simultaneously with this motion.

WHEREFORE, undersigned counsel respectfully requests an order from this Court granting her the right to exceed the twenty-five page limit of Rule 243(e)(3), SCACR. Counsel also requests that the order accept the petition for writ of certiorari in this case not in excess of twenty-nine pages as filed.

Respectfully submitted,

  
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Lara M. Caudy  
Appellate Defender

Attorney for Petitioner

November 16, 2018

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Lexington County  
J. Cordell Maddox, Circuit Court Judge  
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GENE TONY COOPER,

PETITIONER,

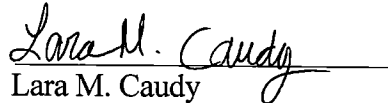
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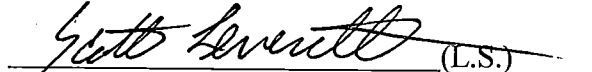
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CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned hereby certifies that a true copy of the motion to file a petition for writ of certiorari in excess of the twenty-five page limit has been served upon W. Edgar Salter, III, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Gene Tony Cooper, #084279, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 16th day of November, 2018.

  
Lara M. Caudy  
Assistant Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 18th day  
of November, 2018.

  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: September 27, 2028.