

**THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

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**Appeal From York County  
The Honorable Lee S. Alford, Circuit Court Judge  
Appellate case No. 2012-205909**

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**RECEIVED**

JAN 28 2013

**JAMES D. ROBERTSON, #5067,**

**S.C. Supreme Court**

**Petitioner,**

**vs.**

**THE STATE,**

**Respondent.**

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**MOTION TO ALLOW THE FILING OF A RETURN TO PETITION  
FOR WRIT OF CERTIORARI EXCEEDING THE TWENTY-FIVE PAGE LIMIT**

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Pursuant to Rule 243(g), SCACR, the undersigned counsel for Respondent respectfully asks this Court to permit the filing of the Return to Petition for Writ of Certiorari exceeding the fifty page limit for the following reasons.

This is a capital case on certiorari following the denial of Post-Conviction Relief. The PCR hearing lasted almost one week and the Appendix to the Petition for Writ of Certiorari is 4600 pages long. On September 5, 2012, Petitioner Robertson filed a Petition to Exceed Twenty-five Page Limit for a Petition for Writ of Certiorari. Specifically, collateral appellate counsel requested permission to file a Petition not to exceed forty (40) pages in length. This Court granted his motion in an Order filed on September 6, 2012. Robertson thereafter filed his Petition for Writ of Certiorari. It is twenty-six (26) pages long and the relief sought potentially applies to virtually all PCR cases wherein

the applicant files a successive application based upon a contention that initial PCR counsel were ineffective.

Wherefore, Respondent would ask the Court to grant it permission to file a Return to Petition for Writ of Certiorari exceeding the twenty-five page limit in Rule 243(g), SCACR, and to permit the filing of a Return to Petition for Writ of Certiorari not to exceed forty (40) pages so that it may properly respond to Petitioner's arguments.

Respectfully submitted,

ALAN WILSON  
Attorney General

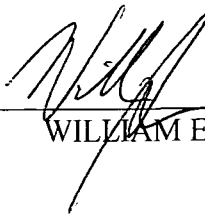
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BY:



WILLIAM EDGAR SALTER, III

January 28, 2013.

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on the 28th day of January, 2013, two copies of the Respondent's Motion to Exceed Page Limit was served on counsel for the Petitioner by depositing same in the United States mail, first-class postage prepaid, and addressed as follows: Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady St., Ste. #401, Columbia, South Carolina 29201, and upon Allen Mattison Bogan, Esq., Nelson, Mullins, Riley & Scarborough, LLP, 1320 Main Street, Meridian/17th Floor, Columbia, South Carolina 29201.



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**WILLIAM EDGAR SALTER, III**

January 28, 2013.