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APR 30 2019

STATE OF SOUTH CAROLINA  
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas  
Brian M. Gibbons, Circuit Court Judge

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Appellate Case No. 2018-000779

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VERNARD JEROME MATHIS, #297034,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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

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NOW COMES the Petitioner, acting by and through his undersigned counsel, asking for leave of Court to exceed the page limitation set for Petitions for Writ of Certiorari by Rule 227 (e) (3), SCRAP. This Post-Conviction Relief Appeal arises from a complex Application for Post-Conviction Relief in a murder case for which Petitioner is serving life without parole. The allegations involve claims of juror misconduct and prosecutorial misconduct. In addition, Respondent has challenged the timeliness of the application filed pursuant to S.C. Code §17-27-45(C). Petitioner's filed a lengthy Memorandum in support of the timeliness of this action, following which he was permitted to move forward with this PCR appeal. It is unclear from this Court's Letter Order entered December 31, 2018, whether the issue of the timeliness of Petitioner's Application remains an open question before the Court. In an effort to cut down on the length of

this petition, without waiving this crucial issue, Counsel for Petitioner has incorporated by reference the arguments advanced in his previously filed Memorandum in Support of Timeliness<sup>1</sup> and has only briefly summarized the issued of timelines within the petition itself. Nevertheless, despite Counsel's best efforts, the petition is 39 pages long counting the index and certificate of service; 40 pages counting the cover. This Petition for Writ of Certiorari was due on Monday, April 29, 2019. A problem with the Appendix, and an unexpected Court appearance, prohibited Counsel from completing this petition yesterday. For that reason, Counsel requested one additional day to file this petition and appendix.

Counsel has made a good faith effort to address all of the necessary arguments, testimony and evidence, within the page limitation set by Rule 227 (e)(3). Unfortunately, Counsel for Petitioner was unable to present the necessary arguments and extensive testimony from the trial record, the PCR hearing and the depositions taken in this case within the 25 page limit. Petitioner submits that the detailed summary of all this information provided is crucial to a thorough analysis of this case. Petitioner would note that the Order of Dismissal in this matter is itself 30 pages long. PCR Counsel would ask this Honorable Court to consider the fact that in her forty (40) years representing Petitioners in PCR appeals, she estimates that she has requested leave of Court to exceed to page limit set by Rule 227(e)(3) no more than ten (10) times in the past four decades.

PCR Counsel has not had the opportunity to speak with opposing counsel, Samuel L. Key, Assistant Attorney General, concerning this request. Counsel was unexpectedly called upon for a Court appearance yesterday and had an appointment with her dentist today that ran much longer than expected. While she attempted to reach Mr. Key, she was unable to speak with him and would ask that he convey his position on this request directly to the Court. PCR Counsel would note that this Petition will not place an undue burden on Respondent, inasmuch as the majority of

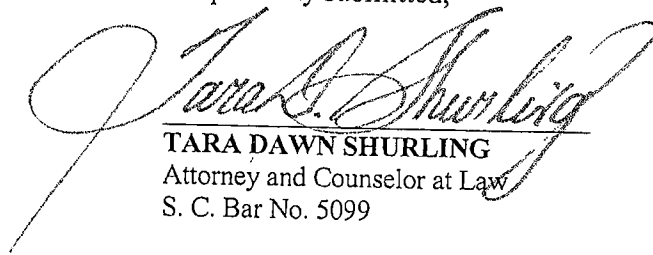
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<sup>1</sup> Found at App.pp. 1332-1357.

this Petition is drawn from Petitioner's Memorandum in Support, which was filed in the circuit court on April 24, 2017 and her memorandum on the timeliness issue filed with this Court on May 11, 2018. Petitioner would ask that opposing counsel advise the Court of his position on this request at his first opportunity.

WHEREFORE, Petitioner prays for this Honorable Court to grant review of her Petition for Writ of Certiorari as submitted for filing on April 30, 2019. In addition she asks that the Court grant her request to incorporate the arguments advanced by Petitioner in her Memorandum in Support of Timeliness. Should the Court find that it is not appropriate to allow Petitioner to incorporate arguments advanced in the previous memorandum filed with the Supreme Court on May 11, 2018, Petitioner would ask for leave to refile his Certiorari Petition with the arguments in question repeated in the body of the certiorari petition.

Respectfully submitted,



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**ATTORNEY FOR PETITIONER.**

This the 30<sup>th</sup> day of April 2019

STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM LANCASTER COUNTY  
Court of Common Pleas

Brian M. Gibbons, Circuit Court Judge

Appellate Case No. 2018-000779  
Lower Court Case No. 2013-CP-29-00951

VERNARD JEROME MATHIS, #297034

PETITIONER,

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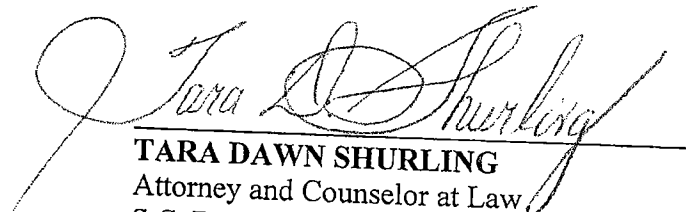
STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Petition to Enlarge Page Limitation for the Petition for Writ of Certiorari in the above-entitled case has been served upon opposing counsel this the 30<sup>th</sup> day of April, 2019 by email and U.S. mail:

Samuel L. Key  
Assistant Attorney General  
Office of the Attorney General  
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**TARA DAWN SHURLING**  
Attorney and Counselor at Law  
S.C. Bar No. 5099  
ATTORNEY FOR PETITIONER.

SWORN TO BEFORE me this 30<sup>th</sup> day  
of April, 2019

Rose Doreen King (L.S.)  
Rose Doreen King

Notary Public for South Carolina

My Commission Expires: May 27, 2025