

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2019-000839

RECEIVED  
MAR 13 2020

S.C. SUPREME COURT

Chris A. Liverman,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO EXCEED PAGE LIMIT**

Petitioner Chris Liverman respectfully moves this Honorable Court for an order allowing him to exceed the page limit for his petition for writ of certiorari in this post-conviction relief ("PCR") appeal. *See* Rule 243(e)(3), SCACR. Mr. Liverman's current petition is forty-one (41) pages in length.

In support of this motion, Petitioner submits the following reasons for why it is reasonable and necessary to grant this extraordinary request:

- (1) This Court's precedent "mandates appellate counsel must brief all arguable issues." *Wade v. State*, 348 S.C. 255, 263, 559 S.E.2d 843, 847 (2002).
- (2) The Appendix in this case is voluminous (five (5) volumes).
- (3) Mr. Liverman's petition presents thirteen meritorious issues for this Court's consideration.

(4) “In most PCR cases,” this Court refuses “to excuse the pleading and issue-preservation requirements that apply in all civil cases.” *Mangal v. State*, 421 S.C. 85, 97, 805 S.E.2d 568, 574 (2017).

a. At the same time, this Court is mindful of “the tension between the rights at stake in PCR proceedings and the application of traditional procedural requirements for the presentation and preservation of issues.” *Id.* This Court has considered how our state’s pleading and issue preservation requirements interact with the procedural default rules in federal *habeas corpus* proceedings in *Mangal*, *Robertson v. State*, 418 S.C. 505, 795 S.E.2d 29 (2016), and *Kelly v. State*, 404 S.C. 365, 365, 745 S.E.2d 377 (2013). This Court, accordingly, recognizes “there are situations where the interests of justice require PCR courts to be flexible with procedural requirements *before* PCR applicants suffer procedural default on substantial claims” and encourages PCR courts to be “flexibility” in “to reach the merits of substantial issues.” *Mangal*, 421 S.C. at 99-100, 805 S.E.2d at 575-76 (emphasis original).

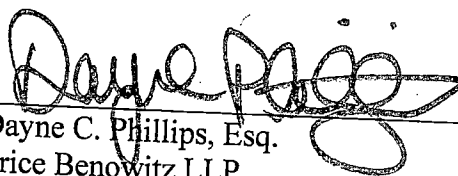
Prior to filing this motion, counsel for Mr. Liverman consulted with opposing counsel for the State, and Assistant Attorney General Lindsey McCallister informed the undersigned Counsel that the State does not take a position on this request (i.e., neutral; does not consent or oppose).

**[Conclusion and Signature Page to Follow]**

**CONCLUSION**

Therefore, Petitioner Chris Liverman respectfully requests this Honorable Court issue an order allowing him to exceed the page limit for his petition for writ of certiorari in this appeal of his denial of PCR.

**IT IS SO MOVED.**



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**March 13, 2020**

**ATTORNEYS FOR PETITIONER**

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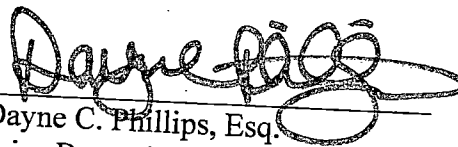
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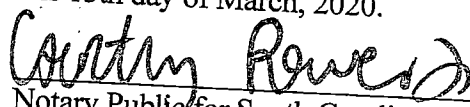
**CERTIFICATE OF SERVICE**

The undersigned Counsel certifies that a true copy of the Motion to Exceed Page Limit has been served upon Assistant Attorney General Lindsey McCallister, at 1000 Assembly Street, Room 519, Columbia, SC 29201, and upon Mr. Chris Liverman, at Tallahatchie County Correctional Facility, 415 U.S. Hwy. 49 North, Tutwiler, Mississippi 38963, on March 13, 2020.



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ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me  
this 13th day of March, 2020.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: May 2, 2027.