

STATE OF SOUTH CAROLINA
In the Supreme Court

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Jun 26 2020

S.C. SUPREME COURT

CERTIORARI TO CHARLESTON COUNTY
Court of Common Pleas
Deadra L. Jefferson, Post-Conviction Relief Judge
Roger M. Young, Sr., Trial Judge

Appellate Case No. 2019-001193

TERRELL L. MCCOY, SCDC #256070,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

**MOTION TO EXCEED AND EXTEND PAGE LIMITS IN
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Respondent, the State, moves this Court grant leave to exceed the page limitation set for Returns to Petitions for Writ of Certiorari by Rule 243(g), SCACR. In support of the request, undersigned counsel would respectfully show the Court:

1. The Return to Petition for Writ of Certiorari is due to be filed with the Court on Friday, June 26, 2020. The Court has granted Respondent three previous extensions.
2. The Return is responsive to a Petition for Writ of Certiorari that is 23 substantive pages in length, and which raises 9 issues on appeal.
3. The undersigned has diligently endeavored to minimize the length of the Return to as close to the page limits set forth in the rules as possible:
 - a. Respondent has reframed Petitioner's issues as 10 issues presented;
 - b. Respondent has excluded all unnecessary detail, perhaps to detriment,

excluding a traditional singular Statement of the Facts in favor of those facts from the record most immediately necessary to each issue raised;

- i. However, Respondent did include additional citations to the record omitted by Petitioner, in an effort to give a full and accurate record demonstrating the propriety of the PCR judge's findings.
 - c. Respondent has refrained from exhaustive citation of cases, which may be persuasive, but not strictly necessary for the good faith assertion of authority;
 - d. Respondent has exercised professional judgment to the best of his ability in order to provide exceedingly brief responses to those issues which, in his opinion, may be simply dispensed, with the earnest hope that to the extent this judgment is exercised in error the State may be permitted to respond more fully in briefing.
4. As a result of the above listed efforts to minimize the length of the filing in excess of the rules, the State's Return totals 29 substantive pages in length and is filed concurrent with this motion.

Wherefore, Respondent respectfully requests this Court relax the rules to permit the filing and review of the Return to Petition for Writ of Certiorari, concurrently filed.

Respectfully submitted,

s/ Benjamin Limbaugh
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June 26, 2020