

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM YORK COUNTY  
Court of General Sessions

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APR 29 2013

John C. Hayes, III, Circuit Court Judge

**S.C. Supreme Court**

On Writ of Certiorari to the South Carolina Court of Appeals  
Opinion No. 4526 (S.C. Ct. App. refiled September 29, 2009)

The State.....Respondent,

v.

Billy Wayne Cope.....Appellant.

**MOTION OF PETITIONER TO WAIVE REQUIREMENT TO  
REMOVE PERSONAL IDENTIFIERS**

The Clerk of the Court has notified petitioner’s counsel that the Record on Appeal is not in compliance with this Court’s “Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings” of August 13, 2007, and has requested that counsel make arrangements to substitute the designation “Child One” or some similar generic appellation for the name of the murder and sexual assault victim throughout the Record. For the

reasons that follow, counsel respectfully request that the Court waive the requirements of the 2007 Order.

1. Because the victim in this case was murdered as well as sexually assaulted, the primary reason for safeguarding her identity---to protect her from further harm, indignity, and invasion of privacy during her formative years---would be furthered by application of the Order.
2. The state's theory, as contained in the trial record, is that the child victim was sexually assaulted and murdered by her own father, acting in concert another. Under these circumstances, her identity is inferable from petitioner's, and eliding her name would do little to conceal her actual identity from public view.
3. For nearly three years, the Sixteenth Circuit Solicitor has maintained a publicly accessible website, [www.billywaynecope.com](http://www.billywaynecope.com), that prominently displays a photographic image of the child rape/murder victim, along with a downloadable video file, [http://www.billywaynecope.com/States\\_Case.html](http://www.billywaynecope.com/States_Case.html) in which an assistant solicitor provides an extremely graphic description the child's genital and anal injuries. This website displays the child's name at scores, if not hundreds, of places.
4. The Record on Appeal consists of close to 4000 pages, and likely contains the child victim's name tens of thousands of times. Compliance with the

2007 Order would require destroying all existing copies of the Record, and replacing it with a new version in which innumerable mentions of the child victim's name have been replaced. In view of the fact that such a laborious and expensive undertaking would serve no useful purpose, counsel for Petitioner Cope submit that the Court should not require it.

WHEREFORE, having set forth his grounds, petitioner requests that his noncompliance with the 2007 Order be excused in this instance.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael B. Smith, hereby certify that I have served the *Motion Of Petitioner To Waive Requirement To Remove Personal Identifiers* in foregoing action by depositing copies in the United States mail, postage prepaid to the following:

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This 24 day of April, 2013



Michael B. Smith

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