

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

The State,

vs.

Quincy J. Allen,

Defendant.

IN THE COURT OF GENERAL SESSIONS

Case No. 2002GS4007752;
2002GS4008108;
2002GS4008109;
2002GS4008110;
2002GS4008287;
2002GS4008289;
2002GS4008301

AMENDED SCHEDULING ORDER


This matter comes before the Court following a remand from the Honorable Donald C. Coggins, Jr. of the United States District Court. Further, the Supreme Court of South Carolina, pursuant to Article V, Section 4 of the South Carolina Constitution has vested this Court with exclusive jurisdiction of this matter. It appears to this Court that a Scheduling Order is needed in this case due to (1) the time constraints placed on this matter by the District Court and (2) the need to keep the Supreme Court of South Carolina apprised of the progress in this case. On January 31, 2023, this Court held a status conference. Pursuant to those conversations, the Court enters the following Amended Scheduling Order:

1. This Court has granted an extension regarding the discovery deadline at the request of the parties from January 27, 2023 to February 17, 2023. *See* attached Order. All discovery shall be produced and discovery issues raised by that date;
2. All motions shall be submitted to this Court no later than March 3, 2023;
3. The next status conference will be held March 3, 2023 at 10:00 a.m. to resolve any discovery issues and discuss pre-trial motions;

4. Barring an extension from the Federal Court system, for good cause or a grant of certiorari from the Supreme Court of the United States, the re-sentencing hearing will commence on March 20, 2023;

5. Senior Assistant Deputy Attorney General Melody Brown will update this Court and all attorneys on the ongoing federal appellate case to help anticipate any potential extensions or stays. To date, the Court is aware of the following developments: the State's Petition for Writ of Certiorari was filed in the Supreme Court of the United States on November 23, 2022; on January 18, 2023, the parties filed a joint motion in the District Court asking for an additional 180 days, and the parties are discussing the possibility of requesting an extension from the Supreme Court of South Carolina should the District Court deny the motion; the parties anticipate a ruling on that joint motion this week or next; and the Defendant received a second extension to file the mandatory brief in opposition, originally due December 23, 2022, then extended to January 23, 2023; the brief is now to be filed with the Supreme Court of the United States on or before February 22, 2023.

IT IS SO ORDERED.


Debra R. McCaslin
Presiding Judge

Columbia, South Carolina
February 2, 2022

2023;

2. The next Status Conference will be held January 27, 2023 at 10:00 a.m. to resolve any lingering discovery issues and any other matters which have arisen;
5. Senior Assistant Deputy Attorney General Melody Brown will update this Court and all attorneys on the ongoing federal appellate case to help anticipate any potential extensions or stays. The State's Petition for Writ of Certiorari was filed in the Supreme Court of the United States on November 23, 2022. The mandatory brief in opposition is to be filed on or before December 23, 2022. To ensure that the Petition is considered, the State is considering asking for an extension or stay from the District Court or the Chief Justice if the scheduled so requires."

IT FURTHER APPEARS THAT since that time, there have been several developments in the federal appellate case. On December 22, 2022, Federal counsel for the Defendant was granted an extension on the filing deadline for its mandatory brief in opposition ("BIO") to the petition for certiorari with the deadline for filing being January 23, 2023. On January 6, 2023, Ms. Brown notified this Court via email that the parties in the Federal proceedings were in the process of agreeing to a joint motion in District Court to extend the 180 day time period for compliance previously ordered by Judge Coggins. Additionally, on January 19, 2023, Federal counsel for the Defendant was granted an extension on the filing deadline for its BIO to the petition for certiorari with the new deadline

for filing being February 22, 2023.

IT FURTHER APPEARS THAT on January 18, 2023, the parties in the Federal proceedings filed a "Joint Motion for Extension of Time for Additional State Sentencing Proceedings" wherein they joined together specifically asking the District Court to extend the time for which additional capital proceedings in State Court were to begin by another 180 days. This joint request was, generally, based on the following:

- The granting of an extension to January 23, 2023 for filing the Defendant's BIO as well as the expected request for, and likely granting of, another extension (which has since been granted and extended to February 22, 2023);
- The joint nature of the motion to the District Court for additional time to commence state proceedings;
- The State Court proceedings have been operating on schedule with Judicial oversight via multiple Status Conferences and Scheduling Orders;
- The extension of the original 180 day Order by another 180 days would still allow for a new sentencing proceeding to take place within a reasonable amount of time;
- The additional 180 days would allow for all parties to know the status of the Federal proceedings prior to the commencement of the State Court proceedings.

IT FURTHER APPEARS THAT for the better of a nearly two week period beginning January 5, 2023, State Counsel for the Defendant and the Deputy Solicitor attempted to schedule a discovery review meeting in order to comply with this Court's January 27, 2023

discovery deadline. Through no particular fault of the parties, meetings have been cancelled and rescheduled on multiple occasions and the parties have yet to review the discovery materials together.

IT FURTHER APPEARS THAT in light of the extension of the deadline to file the BIO to February 22, 2023, it is now extremely likely that the parties at the State level will either be on the doorstep of commencing the resentencing hearing prior to actually knowing whether or not the Petition for Certiorari will be granted, or the timeline for resentencing at the State level will have already been extended by the District Court. Taking this into account and in conjunction with the joint request for an additional 180 days made by the parties in the Federal proceedings, I find the previous deadline of January 27, 2023 for all discovery issues to be raised at the State level to be impractical. That being said, this Court is keenly aware of the necessity of such deadlines and discussed this issue with the parties to the State Court action at a Status Conference that, although previously scheduled for January 27, 2023, was actually held on January 31, 2023.

In light of all of the foregoing, and after consultation with and among the parties, the new deadline for discovery issues to be raised at the State level is February 17, 2023. This deadline is applicable to any new documents, reports, or statements that the State has not previously turned over to the Defense during the course of this multi layered proceeding, but is not applicable to new or additional information, i.e. *Riddle* information, that may come from prospective witnesses during preparations for the sentencing hearing.

Additionally, I further find that should the District Court issue an Order granting the parties' joint motion for an extension of the 180 day time period in State Court, or should the

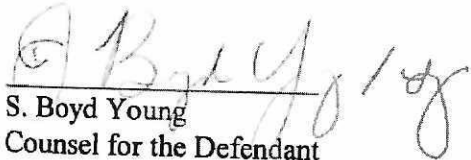
State Court sentencing be Stayed by a Court of competent jurisdiction, this Court will convene a Status Conference and/or issue an updated Scheduling Order to reflect any necessary changes to the State Court timeline. Should there be such an extension or Stay of the State sentencing proceedings, then upon rescheduling of the sentencing hearing and issuance of a new State Scheduling Order, the court will allow a window of time for the parties to engage in supplemental discovery for a period of time consistent with the timeline laid out in said new Scheduling Order.

IT IS THEREFORE ORDERED that the previously ordered discovery deadline of January 27, 2023 is hereby extended by this Court to February 17, 2023 subject to the aforementioned conditions, and that this Order is issued upon consent and agreement of all parties to this proceeding.

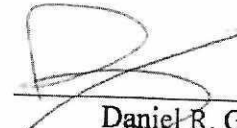
AND IT IS SO ORDERED!


~~THE HONORABLE~~ DEBRA R. McCASLIN
Presiding Judge
Fifth Judicial Circuit

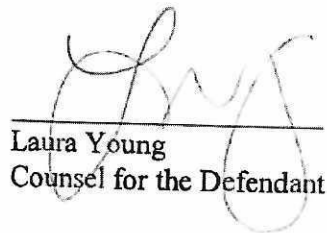
Columbia, South Carolina
This 15th day of February, 2023
I SO CONSENT:



S. Boyd Young
Counsel for the Defendant



Daniel R. Goldberg
Deputy Solicitor



Laura Young
Counsel for the Defendant

Columbia, South Carolina
This ____ day of February, 2023