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May 21 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

Appeal from Sumter County
Court of Common Pleas

The Honorable William P. Keesley, Circuit Court Judge

Appellate Case No: 2026-000115

Bobby Wayne Stone,

Respondent,

v.

State of South Carolina ,

Petitioner.

**MOTION FOR FOURTH EXTENSION OF TIME TO SERVE AND FILE PETITION
FOR WRIT OF CERTIORARI AND APPENDIX**

The undersigned counsel would respectfully request a fourth extension of twenty-one (21) days in which to serve and file the Petition for Writ of Certiorari and Appendix in the above-reference case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Petition for Writ of Certiorari and Appendix is due Friday, May 22, 2026.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 22, 2026. Specifically,

1. Counsel prepared and filed the Initial Brief of Respondent in the matter of The State v. Mark Hamilton, Appellate Case No. 2025-001185, a matter pending in the South Carolina Court of Appeals, on April 22, 2026;

2. Counsel filed Respondent's Response in Opposition to Petitioner's Motion to Appoint Counsel, in the matter of Brittany Cassandra Foster v. Warden of Camille Graham Correctional Center, C/A No. 1:26-264-JFA-SVH, on April 29, 2026;
3. Counsel filed the Petition for Rehearing, in the matter of The State v. Micah Christian Sylve Brown, Appellate Case No. 2022-001065, a matter in the South Carolina Court of Appeals, on April 30, 2026;
4. Counsel filed the Return to Petition for Writ of Certiorari, in Joseph Campbell Williams v. State, Appellate Case No. 2025-000730, a matter currently pending in the Supreme Court of South Carolina, on May 1, 2026;
5. Counsel filed the Return and Memorandum of Law in Support of Motion to Dismiss Without Prejudice and Motion to Dismiss Without Prejudice, in the matter of William Conner Jackson Jr., v. South Carolina Attorney General Alan Wilson, C/A No. 1:26-005-RMG-SVH, on May 18, 2026; and
6. Counsel filed a Motion of Summary Judgement and the Return and Memorandum of Law in Support of Motion for Summary Judgment, in the matter of Robert Lee Moore v. Warden Bailey, C/A No. 5:26-cv-184-TMC-KDW, on May 20, 2026.
7. Counsel is working on other state and federal matters, including other capital matters; and this request is not made for the purpose of delay but due to the foregoing.

Additionally, counsel is reviewing the United States Supreme Court opinions related to *Hamm v. Smith*, 608 U.S. ____ (2026), issued today. While the Court dismissed the writ of certiorari in that case as improvidently granted, the dismissal was accompanied by concurring and dissenting opinions that might be relevant to the current matter.

Due to counsel's involvement in these and other matters, counsel is unable to timely serve and file the Petition for Writ of Certiorari and Appendix.

WHEREFORE, counsel respectfully requests a twenty-one (21) day extension of time to serve and file the Petition for Writ of Certiorari and Appendix. This request is made to show extraordinary circumstances, and not for the purposes of delay.

Respectfully Submitted,

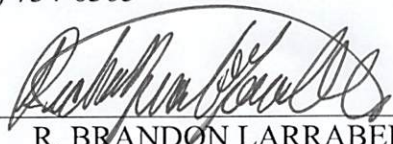
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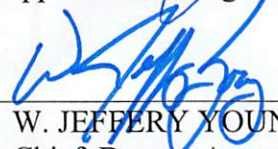
By: 
R. BRANDON LARRABEE
ATTORNEYS FOR RESPONDENT

May 21, 2026.

I support the finding of extraordinary circumstances.

By: 
DONALD ZELENKA
Deputy Attorney General

I also support the finding of extraordinary circumstances.

By: 
W. JEFFERY YOUNG
Chief Deputy Attorney General