

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Dorchester County
James E. Lockemy, Circuit Court Judge

Appellate Case No. 2012-2134

MARION BOWMAN,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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S.C. Supreme Court

**MOTION FOR EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Return is due today, December 18, 2013, upon this Court's grant of Respondent's first request for an extension filed on November 19, 2013.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since November 18, 2013. Specifically, counsel has prepared and filed the Returns, Motions for Summary Judgment, and Memoranda of Law in Support of Motion for Summary Judgment in the matters of Timothy Charles Hester, #306478 vs. Warden, Evans Correctional Institution, C/A No. 2:13-2529-RMG-BHH; and

Jamago Sir Edward McKinney, #336810 vs. Michael McCall, C/A No. 0:13-2141-GRA-PJG, both federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel also prepared and filed a Response in Opposition to Motion for Summary Judgment [Doc. #25] in Quincy Maurice Nash, #272753 vs. Warden, Leroy Cartledge, C/A No. 8:13-2019-RMG-JDA; and a Motion to Supplement Return in the matter of Shirley Ann Edwards, #221579 vs. Warden, Leath Correctional Institution, C/A No. 1:13-1232-RMG-SVH, also federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has reviewed the file and completed a significant amount of work on the Returns and Memoranda of Law in support of Motion for Summary Judgment in Samuel T. Johnson, #332718 vs. Robert M. Stevenson, III, C/A No. 5:13-1714-TMC-KDW; Jonathan Byers, #324474 vs. Warden, Perry Correctional Institution, C/A No. 0:13-2367-MBS-PJG; and Bruce Edward Kirton vs. Warden, MacDougall Correctional Institution, C/A 4:13-2097-GRA-TER; all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel also filed the Return to Motion for Stay of Execution and Appointment of Counsel in Johnny Bennett, #5023 vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 2:13-MC-447-RMG-BHH, a federal habeas action in a capital case that is now pending in the United States District Court for the District of South Carolina. Counsel also spent a significant amount of time compiling and preparing for electronic filing the state court records for all of Mr. Bennett's state court actions. Those records were filed electronically in the federal habeas action by counsel on Monday, December

16, in compliance with an Order filed by the District Court on November 25, 2013. [Docket Entry #19].

Counsel also spent a substantial amount of time reviewing the transcripts and exhibits, researching, and beginning the drafts of the Initial Briefs of Appellant and Designations of Matter in State v. Shannon Scott, a State's appeal now pending in the South Carolina Supreme Court in a Richland County murder case, and in State vs. Calvin Jermaine Pompey, another State's appeal now pending in the South Carolina Court of Appeals in a Marion County murder case.

Counsel has spent a substantial amount of time reviewing the Appendix and records, researching, and working on the Return in this case. Counsel also spent a substantial amount of time obtaining a copy and scanning the Dorchester County Sheriff's Office's investigative file in this case. However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Return to Petition for Writ of Certiorari in this proceeding. Thus, counsel is requesting an extension of time in which to file the Return in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Return to Petition for Writ of Certiorari.

Respectfully Submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
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By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

December 18, 2013.

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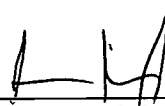
Respondent.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Return to Petition for Writ of Certiorari via U.S. mail to his attorneys of record, Robert M. Dudek, Esq., David Alexander, Esquire, both with SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332; and Michael J. Anzelmo, Esq., Nelson, Mullins, Riley & Scarborough, LLP, P.O. Box 11070, Columbia, South Carolina 29211.

I further certify that all parties required by Rule to be served have been served.

This 18th day of December, 2013.



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