

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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

Appellate Case No. 2012-213468

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MARION BOWMAN,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**RECEIVED**  
JAN 21 2014  
S.C. Supreme Court

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

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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, January 21, 2014<sup>1</sup>, upon this Court's grant of Respondent's second request for an extension filed on December 20, 2013.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 19, 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

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<sup>1</sup> The Order granting the prior extension set Monday, January 20, 2014, as the date the Return was due. However, January 20, 2014 was a State holiday.

Jonathan Byers, #324474 vs. Warden, Perry Correctional Institution, C/A No. 0:13-2367-MBS-PJG; and Samuel T. Johnson, #332718 vs. Robert M. Stevenson, III, C/A No. 5:13-1714-TMC-KDW; both federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has spent a significant amount of time researching and preparing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in the matters of Bruce Edward Kirton, #318515 vs. Warden of MacDougall Correctional Institution, C/A No. 4:13-2097-DCN-TER; Robert Troy Taylor, #315084 vs. Bernard McKie, C/A No. 5:13-2239-RMG-KDW; James Alexander, #294834 vs. Michael McCall, C/A No. 2:13-2868-RMG-BHH; Leroy Archie, #317590 vs. Leroy Cartledge, C/A No. 2:13-3052-RMG-BHH; Ronald Donald Dingle, #200958 vs. Warden, Robert M. Stevenson, C/A No. 4:13-2487-DCN-TER; and Vernon Harrison, #333555 vs. Stevenson, Warden, C/A No. 4:13-1004-TLW-TER; all federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel filed the Final Brief of Respondent in State vs. Derell Green, an appeal in a Charleston County murder case now pending before the South Carolina Court of Appeals. Counsel has also spent a substantial amount of time reviewing the transcripts and exhibits, researching, and beginning the draft of the Initial Brief of Appellant and Designations of Matter in State v. Shannon Scott, a State's appeal of a grant of immunity now pending in the South Carolina Supreme Court in a Richland County murder case. Counsel also spent a significant amount of time drafting the Initial Brief of Appellant in State vs. Calvin Jermaine Pompey, another State's appeal of a grant of immunity now pending in the South Carolina Court of Appeals in a Marion County

murder case which is being filed today, January 21, 2014. Counsel also completed and filed the Initial Reply Brief of Appellant in State v. Graham Franklin Douglas, another State's appeal of a grant of immunity now pending in the South Carolina Court of Appeals in a Chesterfield County murder case.

Counsel has spent a significant amount of time reviewing the Appendix and records, researching, and working on the Return 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.,  
Assistant Attorney General

By:   
DONALD J. ZELENKA,  
Senior Assistant Deputy Attorney General  
ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

January 21, 2014.

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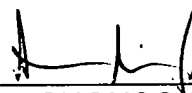
PROOF OF SERVICE

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I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third 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 21<sup>st</sup> day of January, 2014.



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