

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Dorchester County
James E. Lockemy, Circuit Court Judge
Appellate Case No. 2012-213468

RECEIVED

FEB 20 2014

S.C. Supreme Court

MARION BOWMAN,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR FOURTH 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, February 20, 2014, upon this Court's grant of Respondent's third request for an extension filed on January 22, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 21, 2014.

Specifically, counsel has completed and filed the Returns, Motions for Summary Judgment, and Memoranda of Law in Support of Motions for Summary Judgment in James Alexander, #294834 vs. Michael McCall, C/A No. 2:13-2868-RMG-BHH; Vernon

Harrison, #333555 vs. Stevenson, Warden, C/A No. 4:13-1004-TLW-TER; Nicanor Perez Rodriguez, #337563 vs. Dennis Bush, Warden, C/A No. 0:13-3401-TLW-PJG; Bruce Edward Kirton, #318515 vs. Warden of MacDougall Correctional Institution, C/A No. 4:13-2097-DCN-TER; and Robert Troy Taylor, #315084 vs. Bernard McKie, C/A No. 5:13-2239-RMG-KDW; all federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel also spent a significant amount of time researching and preparing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in Leroy Archie, #317590 vs. Leroy Cartledge, C/A No. 2:13-3052-RMG-BHH; Kenneth Whitmore, #227057 vs. R.H. Mauney, Warden, C/A No. 6:13-3217-JMC-KFM; and Ronald Donald Dingle, #200958 vs. Warden, Robert M. Stevenson, C/A No. 4:13-2487-DCN-TER; all federal habeas actions pending before the United States District Court for the District of South Carolina. Counsel has also filed a response to a Rule 60(b) Motion [Doc. #56] filed in Damon L. Doyle, #282794 vs. Anthony J. Padula, Warden, C/A No.: 5:10-03242-JMC, another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel filed the Initial Brief of Appellant in State vs. Calvin Jermaine Pompey, a State's appeal of a grant of immunity now pending in the South Carolina Court of Appeals in a Marion County murder case. Counsel has completed a significant amount of research and drafted portions of the Initial Brief of Appellant in the matter of State vs. Shannon Scott, a State's appeal now pending before this Court in a Richland County murder case. On February 4, 2014, counsel presented oral argument on behalf of the State before the South Carolina Court of Appeals in State vs. Julian Deandre Battle, a direct appeal in a Greenville 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, along with the loss of several working days due to inclement weather on the week of January 27 and the week of February 10, 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. In order to ensure there will be no need for any further extensions, counsel will be working primarily on the Return with the intention of completing the Return within the next two weeks. However, out of an abundance of caution, counsel for Respondent requests an extension of thirty days in which to serve and file the Return to Petition for Writ of Certiorari.

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

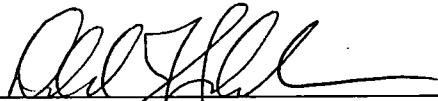
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By: 
ALPHONSO SIMON, JR.,
Assistant Attorney General

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

I support the finding of good cause.

By: 
JOHN W. McINTOSH
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

February 20, 2014.

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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 fourth 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 20th day of February, 2014.



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