

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**RECEIVED**

MAR 24 2014

Appeal from Greenville County  
Edward W. Miller, Circuit Court Judge

**S.C. Supreme Court**

Appellate Case No. 2013-001026

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FREDDIE EUGENE OWENS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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**MOTION TO ENLARGE TIME FOR FILING  
RETURN TO PETITION FOR WRIT OF CERTIORARI**

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The Respondent, above-named, hereby makes a motion to this Court to extend the time for filing the Return to the Petition for Writ of Certiorari from March 24, 2014 for thirty days up to and including April 23, 2014.

In support of the request, undersigned counsel respectfully advises the Court that:

1. Counsel has completed *a majority of the Return to Certiorari*, but has been unable to complete the Return to Certiorari because counsel for Respondent has been involved in a number of other state and federal matters, that include:

(A) Mikal Mahdi v. State (Capital PCR) draft of Amended Order denying relief for the Circuit Court (Judge Doyet Early), submitted Thursday, February 27, 2014. (Approximately 125 pages);

(B) Stanko v. State (Capital PCR) Return to Final Application for PCR (raising numerous grounds) expected to be filed today, March 24, 2013 (Approximately 78 pages);

(C) State v. Antonio Miller (Murder) Final Brief of Respondent filed February 24, 2014 in the S.C. Court of Appeals;

- (D) Albert Harris v. Warden (Federal Habeas Return)(Burglary 1<sup>st</sup>, Armed Robbery, Involuntary Manslaughter) **filed Friday, March 13, 2014;**
- (E) Rico Hickman v. Warden (Federal Habeas Return) **filed February 20, 2014 in U.S. District Court for the District of South Carolina;**
- (F) (Stephen Stanko v. State (Capital PCR) Status Conference (February 21, 2014) before Circuit Judge Benjamin Culbertson in Conway, S.C. for scheduling order;
- (G) Phillip Sims v. Warden (Federal Habeas Return) **filed February 10, 2014 in U.S. District Court for the District of South Carolina;**
- (H) State v. Marshall Fullbright (Murder X 2, Armed Robbery X 2)(Initial Brief of Respondent) **filed in the S.C. Court of Appeals, February 3, 2014;**
- (I) State v. Bruce Hill (Murder X 2, Burglary 1<sup>st</sup>) Oral Argument before the S.C. Supreme Court **on February 5, 2014;**
- (J) Goins v. Warden (Federal Habeas Appeal) Brief of Respondent **filed in the 4th Circuit Court of Appeals in Richmond on January 27, 2014;**
- (K) State v. Kenneth Lynch (Murder X 2, Grand Larceny)(Initial Brief of Respondent) **in process;**
- (L) Gena Beatty v. State (Federal Habeas Return)(Felony DUI Death, Felony DUI Great Bodily Injury, multiple counts) **in process;**
- (M) State v. Bobby Gilbert (Murder, Armed Robbery, Grand Larceny) (Return to Petition for Certiorari) **almost complete, and Respondent is attempting to complete and file this week.**
- (N) Fredrick Evins v. State (Capital PCR) obtaining and reviewing Order Granting PCR Relief on **March 20, 2014 and notifying victims' families of the same;**
- (O) Jerry Inman v. State (Capital PCR) hearing before Judge Macaulay in which Respondent only participated on telephone standby regarding payment of costs regarding copying of Solicitor's file (**hearing date, March 5, 2014;**

**and, other matters;**

2. The South Carolina Emergency Division closed State Government offices in Richland County on February 12, 13, and 14, 2014 due to hazardous weather conditions. Also, February 17<sup>th</sup> was a State holiday (President's Day). While this did not occur in the last 30 days, it did affect the work on Respondent's caseload pushing back work in the month of February to a later date;
3. This present Petition is an appeal from the denial of PCR in a capital case.
4. Respondent has been working on the Return and completed a majority of the same, but Petitioner is raising several issues on appeal from the denial of PCR, which require full briefing. Respondent will continue to work on the Return and attempt to complete the same.

Wherefore, given extraordinary circumstances have been shown, Respondents respectfully request an extension of a period of time of thirty (30) days up to and including **April 23, 2014**. This is a 4<sup>th</sup> extension request.

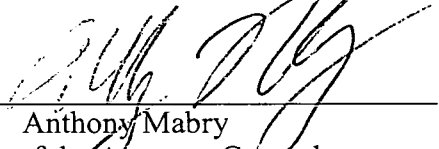
Respectfully submitted,

ALAN WILSON  
Attorney General

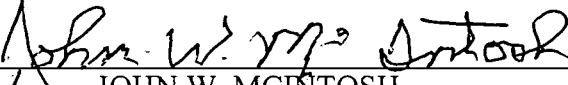
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

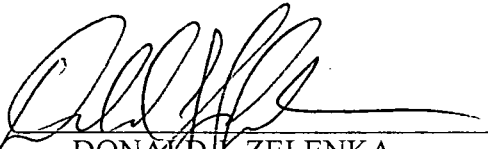
ANTHONY MABRY  
Assistant Attorney General

**ATTORNEYS FOR RESPONDENT**

By:   
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We agree that extraordinary circumstances have been shown.

  
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JOHN W. MCINTOSH  
CHIEF DEPUTY ATTORNEY GENERAL

  
\_\_\_\_\_  
DONALD J. ZELENKA  
DEPUTY ATTORNEY GENERAL

March 24, 2014

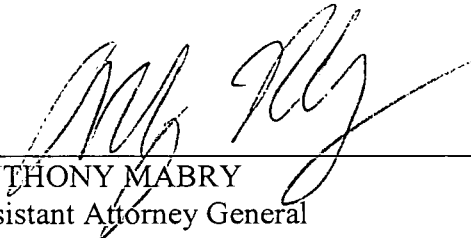
**CERTIFICATE OF SERVICE**

I, **Anthony Mabry**, hereby certify that I have served the Motion to Enlarge Time for Filing Return to Petition for Writ of Certiorari in the foregoing action by depositing copies in the United States mail, postage prepaid to the following:

Emily C. Paavola, Esquire  
Death Penalty Resource & Defense Center  
900 Elmwood Avenue, Ste. 101  
Columbia, SC 29201

Keir M. Weyble, Esquire  
Cornell Law School  
Myron Taylor Hall  
Ithaca, NY 14853

This 24th day of March, 2014.

  
\_\_\_\_\_  
ANTHONY MABRY  
Assistant Attorney General