

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Appellate Case No. 2013-001026

RECEIVED

APR 23 2014

S.C. Supreme Court

FREDDIE EUGENE OWENS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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

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 April 23, 2014 for thirty (30) days up to and including May 23, 2014.

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

1. Counsel has completed *a great majority of the Return to Petition for Writ of 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, including before this Court, that include:

(A) State v. Manuel Marin (Murder & Gun Charge) (Return to Petition for Certiorari) **filed today, April 23, 2013 in this Court;**

(B) Jamie Gilbert v. Warden (Voluntary Manslaughter, Armed Robbery, Grand Larceny (Federal Habeas Return) **filed April 23, 2014 in U.S. District Court;**

(C) State v. Bobby Gilbert (Murder, Armed Robbery, Grand Larceny) Return to Petition for Writ of Certiorari, **filed Friday, April 18, 2014 in this Court;**

(D) Thomas Hamilton v. Warden (Federal Habeas Return) **filed Wednesday, April 16, 2014 in U.S. District Court;**

(E) Gena Beatty v. Warden (Felony DUI Death, Felony DUI Great Bodily Injury, multiple counts)(Federal Habeas Return) **filed April 4, 2014 in U.S. District Court;**

(F) Fredrick Evins v. State (Capital PCR) Rule 59 Motion to Alter or Amend the Order Granting PCR, **filed March 28, 2013**

(G) State v. Derringer Young, (Murder, ABWIK) Return to Petition for Rehearing in the S.C. Court of Appeals, **filed March 27, 2014; Required by the S.C. Court of Appeals;**

(H) Alfonzo Staton v. Warden (Federal Habeas)(Murder, CSC, Kidnapping) Status Report of State PCR to the U.S. District Court **March 27, 2014;**

(I)State v. Marchall Fullbright (Murder X 2, Armed Robbery) Final Brief of Respondent, **filed March 25, 2014 in the Court of Appeals;**

(J)Stanko v. State (Capital PCR) Return to Final Application for PCR (raising numerous grounds) **filed March 24, 2013 (Approximately 80 pages);**

(K) Albert Harris v. Warden (Federal Habeas Return)(Burglary 1st, Armed Robbery, Involuntary Manslaughter) **filed Friday, March 13, 2014;**

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

(M)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 115 pages);

(N) Rico Hickman v. Warden (Federal Habeas Return) **filed February 20, 2014 in U.S. District Court for the District of South Carolina;**

(O) Stephen Stanko v. State (Capital PCR) Status Conference (February 21, 2014) before Circuit Judge Benjamin Culbertson in Conway, S.C. for scheduling order;

(P)Phillip Sims v. Warden (Federal Habeas Return) **filed February 10, 2014 in U.S. District Court for the District of South Carolina;**

(Q) 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;**

(R) State v. Bruce Hill (Murder X 2, Burglary 1st) Oral Argument before the S.C. Supreme Court **on February 5, 2014;**

(S) Goins v. Warden (Federal Habeas Appeal) Brief of Respondent **filed in the 4th Circuit Court of Appeals in Richmond on January 27, 2014;**

(T) State v. Kenneth Lynch (**Murder X 2, Grand Larceny**)(Initial Brief of Respondent) in the Court of Appeals **in process, a majority of this brief has been completed;**

(U) State v. Kareem Harry (Murder) Initial Brief of Respondent, in the Court of Appeals, **currently in process;**

(V) Johnny Gambrell v. Warden (Murder) Federal Habeas Return, **in process and almost complete;**

and, other matters;

2. This present Petition is an appeal from the denial of PCR in a capital case. Petitioner was convicted in 1998, and sentenced to death three (3) different times, so there are multiple records to review and the PCR transcript;
3. Respondent has been working on the Return and completed a *great 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 **May 23, 2014**. This is a 5th extension request.

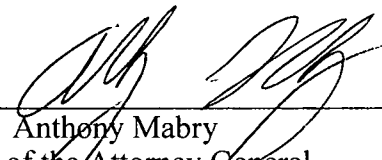
Respectfully submitted,

ALAN WILSON
Attorney General

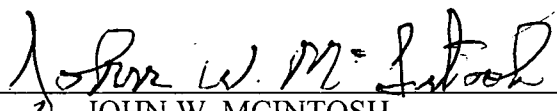
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General


ANTHONY MABRY
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We agree that extraordinary circumstances have been shown.


JOHN W. MCINTOSH
Chief Deputy Attorney General


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

April 23, 2014

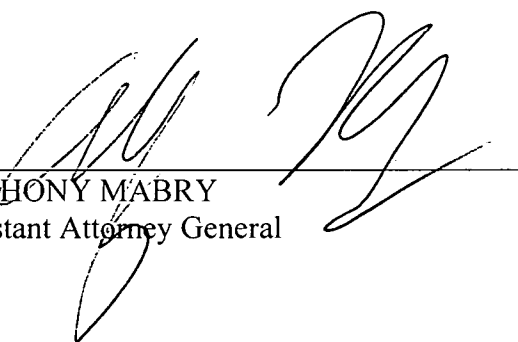
CERTIFICATE OF SERVICE

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

This 23rd day of April, 2014.



ANTHONY MABRY
Assistant Attorney General