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MAY 23 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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

Appellate Case No. 2013-001026

FREDDIE EUGENE OWENS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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MAY 28 2014

S.C. SUPREME COURT

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

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

1. Counsel has completed *almost all of the Return to Petition for Writ of Certiorari*, but has been unable to complete the Return to Petition for Writ of Certiorari because counsel for Respondent has been involved in a number of other state and federal matters, including before this Court, that include:

(A) Andre King v. Warden (Murder, ABWIK, Possession of a Weapon during a Violent Crime)(Federal Habeas Return) filed in U.S. District Court yesterday, May 22, 2014 (approximately 77 pages) the Petitioner raised six (6) issues;

(B) **Johnny Gambrell v. State, (Murder)(Federal Habeas Return)** filed Friday, May 16, 2014 in U.S. District Court (Approximately 90 pages) the Petitioner raised fourteen (14) issues;

(C) **Edmund Goins v. Warden** (Federal Habeas Corpus Appeal) Submission of Supplemental Authority to the 4<sup>th</sup> Circuit Court of Appeals on May 15, 2014 after oral argument;

(D) **Nathaniel Johnson v. McFadden** (Federal Habeas Corpus) Review of District Court's Order Adopting Magistrate's Report and Recommendation, on or about May 12, 2014;

(E) **Herbert English v. McCall** (Federal Habeas Corpus) Review of Report and Recommendation of Magistrate Paige Jones Gossett granting Respondent's Motion for Summary Judgment, on or about May 12, 2014;

(F) **State v. Kenneth Lynch** (Murder 2 Counts) Initial Brief of Respondent, filed in the S.C. Court of Appeals on May 5, 2014 (50 pages) [this was a Capital Case in which the appellant was sentenced to life; there were ten [10] volumes of Trial Transcript and the defendant was raising a directed verdict issue among other issues);

(G) **Edmund Goins v. Warden** (ABWIK)(LWOP) Preparation for and oral argument before the 4<sup>th</sup> Circuit Court of Appeals in Richmond on May 14, 2014 (preparation on May 9<sup>th</sup> and May 12<sup>th</sup>, travel to Richmond on May 13<sup>th</sup> and Return on May 14<sup>th</sup> after Oral Argument);

(H) **Sims v. Cartledge** (Federal Habeas Corpus) Review of Report and Recommendation of Magistrate Kaymani D. West granting Respondent's Motion for Summary Judgment, on or about May 7, 2014;

(I) **State v. Frankie McGee** (Direct Appeal) Review of Court of Appeals Opinion affirming conviction for murder (Respondent's Attorney handled the Direct Appeal), on or about May 1-2, 2014;

(J) **Bobby Gibson v. Warden** (Federal Habeas Corpus)(Trafficking more than 100 grams) Review of Report and Recommendation of Magistrate Jacquelyn F. Austin granting Respondent's Motion for Summary Judgment, on or about April 30, 2014;

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

(L) State v. Manuel Marin, (Murder) (Return to Petition for Writ of Certiorari to the Court of Appeals), **filed in the S.C. Supreme Court on about April 23, 2014 (25 pages)**;

(M) Johnson v. McFadden (Federal Habeas Corpus) Review of Report and Recommendation of Magistrate Shiva Hodges Granting Respondent's Motion for Summary Judgment, **on or about April 23-24, 2014**;

(N) State v. Bobby Gilbert (Murder, Armed Robbery, Grand Larceny)(Return to Petition for Writ of Certiorari to the Court of Appeals **filed in the S.C. Supreme Court on April 18, 2014 (25 pages)**);

(O) Thomas Hamilton v. Warden (Federal Habeas Return) **filed on or about April 16, 2014 in U.S. District Court**;

(P) Cordoray Williams v. Warden (Federal Habeas Return) **filed on or about April 11, 2014 in U.S. District Court**;

**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, and given the issues raised in the Petition, there are multiple records to review and the PCR transcript;
3. Petitioner's Petition for Writ of Certiorari in this case is **ninety-one (91) pages** in length, and as a result, Respondent is having to respond to and address each issue raised in the lengthy Petition.
4. Respondent has been working on the Return and completed almost all of the same, but Petitioner is raising approximately eight (8) issues [Within four (4) appellate grounds] on appeal from the denial of PCR, which require full briefing. Respondent's Return to Petition for Certiorari is currently approximately one hundred and sixty seven (167) pages, which is too long, and must be edited for the convenience of this Court. Respondent will continue to work on the Return and attempt to complete the same.

Wherefore, given extraordinary circumstances have been shown, Respondent respectfully requests an extension of a period of time of thirty (30) days up to and including **June 23, 2014**.

This is a 6<sup>th</sup> extension request.


Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

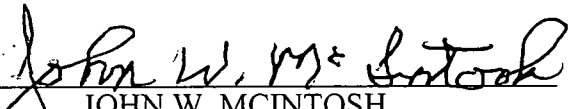
ANTHONY MABRY  
Assistant Attorney General

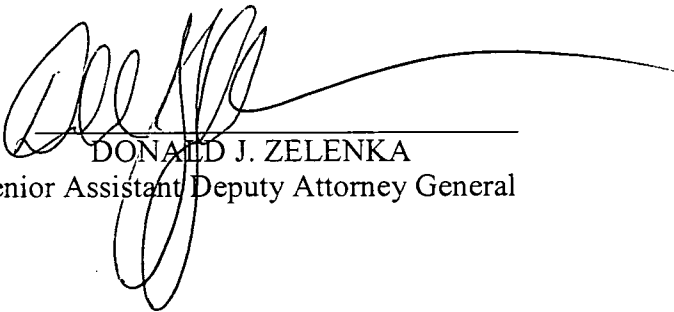
**ATTORNEYS FOR RESPONDENT**

By:   
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

May 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  
Columbia, SC 29201

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

This 23<sup>rd</sup> day of May, 2014.



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ANTHONY MABRY  
Assistant Attorney General