

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Horry County
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Court of Common Pleas Case No. 2011-CP-26-3907
(Capital PCR Action)
Appellate Case No. 2014-000904

RECEIVED

JUN 27 2014

LOUIS MICHAEL WINKLER, JR.,

Respondent/Petitioner, **S.C. Supreme Court**

vs.

STATE OF SOUTH CAROLINA,

Petitioner/Respondent.

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the 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 Petition is due today, June 27, 2014, upon this Court's grant of Respondent's first request for an extension filed on May 29, 2014.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 28, 2014. Specifically, counsel completed and filed the Motions for Summary Judgment, Returns and Memoranda of Law in support of Motions for Summary Judgment in Maurice Graves, #208580 vs. Michael McCall, C/A

1:13-2866-JFA-SVH; Darrell L. Goss, #305517 vs. Joseph McFadden, C/A No. 2:14-1350-RMG-WWD; Ronald Wendell Porterfield, #231233 vs. Warden, Lieber Correctional Institution, C/A No. 0:14-927-TMC-PJG; Talvin Johnson, #323094 vs. Warden, Lee Correctional Institution, C/A No. 2:14-768-DCN-WWD; and Shazjuan Sadiq Shabazz, #196841 vs. Joseph McFadden, Warden, C/A No. 2:14-747-MGL-WWD; all federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel also filed Responses in Opposition to Motions for Discovery and for a Stay in the Graves federal habeas action. Counsel also filed a Response in Opposition to a Motion for Relief from Judgment in Kenneth Whitmore, #227057 vs. R. H. Mauney, Warden, C/A No. 6:13-3217-JMC-KFM, another federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel has also reviewed the files and completed a significant amount of work on the Motions for Summary Judgment, Returns and Memoranda of Law in support of Motions for Summary Judgment in Alonzo Harvin, #157738 vs. Warden, Lieber Correctional Institution, C/A No. 5:14-1064-RMG-KDW, Clifton Donell Lyles, #294075 vs. Warden, Cecilia Reynolds, C/A No. 4:14-1063-TMC-TER; and Jamie Goss, #294885 vs. Joseph McFadden, Warden of Lieber Correctional Institution, C/A No. 4:14-1299-MGL-TER; all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel has also reviewed the transcript, completed some research on the issues raised on appeal, and started drafting the Initial Brief of Respondent in State vs.

Marc Palmer, a direct appeal in a Williamsburg County murder case now pending in the South Carolina Court of Appeals.

Counsel has also spent a substantial amount of time reviewing the Response in Opposition to Motion for Summary Judgment filed in Abdiyyah Ben Alkebulanyahh, # SK-6012, fka Tyree Alphonso Roberts vs. William R. Byars, Jr., Commissioner, South Carolina Department of Corrections; and Wayne C. McCabe, Warden of Lieber Correctional Institution, C/A No. 6:13-918-TLW-KFM, a federal habeas action in a capital case now pending before the United States District Court for the District of South Carolina. Counsel is in the process of drafting a Reply to the Response in Opposition to Motion for Summary Judgment.

Counsel has also spent some time reviewing and outlining the Return to Petition for Writ of Certiorari in Bobby Wayne Stone v. State of South Carolina, an appeal in a capital post-conviction relief action that is currently pending before this Court.

Counsel has done some substantial work on the State's Petition for Writ of Certiorari 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 Petition for Writ of Certiorari in this proceeding. Thus, counsel is requesting an extension of time in which to file the Petition 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 Petition for Writ of Certiorari and Appendix.

Respectfully Submitted,

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By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

June 27, 2014.

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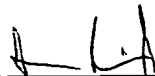
Petitioner/Respondent.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Petitioner/Respondent, certify that I have served two (2) copies of the within motion for a second extension to file the Petition for Writ of Certiorari and Appendix via United States mail to his attorneys of record, Emily C. Paavola, Esq., Death Penalty Resource and Defense Center, 900 Elmwood Ave., Ste. #101, Columbia, South Carolina 29201; and John R. Mills, Esq., Law Offices of John R. Mills, 3145 Geary Blvd., #213, San Francisco, California 94118.

I further certify that all parties required by Rule to be served have been served.

This 27th day of June, 2014.



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