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S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2012-212107

Jonathan Kyle Binney, #6009, Petitioner/Respondent,

v.

State of South Carolina, Respondent/Petitioner.

**PETITIONER/RESPONDENT'S MOTION
FOR EXTENSION OF TIME TO FILE
THE BRIEF OF RESPONDENT**

Petitioner/Respondent, Jonathan Binney, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for 30 days to file the Brief of Respondent on behalf of Petitioner/Respondent presently due for filing on July 16, 2014. The reasons for this motion are as follows:

1. Undersigned counsel has begun work on the Brief of Respondent and made substantial progress. However, in the past thirty days, counsel has been working on investigation and pre-hearing preparations in two capital post-conviction cases, *Stanko v. South Carolina*, and *Bell v. South Carolina*, as well as briefing before this Court in *Owens v. South Carolina*, and *Simmons v. South Carolina*. Moreover, counsel filed a lengthy traverse in the capital federal habeas

proceedings in *Alkebulanyahh v. Byers* in the past thirty days. Undersigned counsel also have had various teaching obligations at two capital training programs during this time period.

2. Thus, although counsel has begun drafting the Brief of Respondent in this case, it is not yet complete. Counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

THEREFORE, for the reasons stated above, Petitioner/Respondent respectfully submits that an extension of time is warranted for good cause and requests thirty days, thus making the brief due on August 15, 2014.

Respectfully submitted,

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BY: 
COUNSEL FOR PETITIONER

July 14, 2014.

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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J. Michael Baxley, Circuit Court Judge

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State of South Carolina, Respondent/Petitioner.

CERTIFICATE OF SERVICE

I, Jill Rider, hereby certify that I have served upon the attorney for the Respondent/Petitioner one (1) copy of the Petitioner/Respondent's Motion for Extension of Time to File the Brief of Respondent in the above-captioned case by depositing a copy of same in the United States Mail, first class, postage pre-paid, addressed as follows:

William Edgar Salter, III
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

This the 14th day of July, 2014, in Columbia, South Carolina.


JILL RIDER