

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Case No. 2011-CP-01-110
Appellate Case No. 2014-000904

CAPITAL CASE

Louis Michael Winkler Jr., Respondent-Petitioner

v.

State of South Carolina, Petitioner-Respondent

**RESPONDENT-PETITIONER'S SECOND MOTION
FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

Respondent-Petitioner, Louis Winkler, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for 30 days to file the Petition for Writ of Certiorari presently due for filing on September 3, 2014. The reasons for this motion are as follows:

1. Undersigned counsel received a complete copy of the Appendix from Petitioner-Respondent on July 3, 2014, making Respondent-Petitioner's Petition for Writ of Certiorari initially due on August 4, 2014. This Court granted Respondent-Petitioner's first request for a

thirty-day extension of time. Respondent-Petitioner has begun work on the Petition, but requires additional time due to a heavy caseload and the complex nature of this matter.

2. In the past thirty days, Ms. Paavola has been working on investigation and case preparations for *Bell v. South Carolina* and *Stanko v. South Carolina*, both capital post-conviction relief proceedings. Moreover, within this time frame, counsel filed briefs before this Court in *Simmons v. South Carolina* and *Binney v. South Carolina*, and is prepared to file another brief later this week in *Owens v. South Carolina*.

3. Mr. Mills has been assisting those representing Earl Ringo, who is scheduled to be executed in Missouri on September 10, 2014. In addition, in the past thirty days, Mr. Mills has been working on investigation and case preparations for *State v. Rose*, an Arizona capital post-conviction relief proceeding. He has also filed merits briefing in *In re Carlos R.* and *State v. Turner*, cases before the courts of appeal in California and North Carolina.

4. Finally, Mr. Winkler's case concerns complex factual and legal issues that require thorough record review, research and analysis. Undersigned counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

5. Undersigned counsel contacted counsel for Petitioner-Respondent, Alphonso Simon, Jr., who indicated that the State consents to this motion.

THEREFORE, for the reasons stated above, Respondent-Petitioner respectfully submits that an extension of time is warranted for good cause and requests thirty days, thus making the Petition for Writ of Certiorari due on October 3, 2014.

Respectfully submitted,

JOHN R. MILLS

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By: 
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August 28, 2014

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Respondent-Petitioner's Motion for Extension of Time was served by first class United States mail, postage prepaid, this 28th day of August, 2014, upon the following:

Alphonso Simon
Assistant Attorney General
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Jill A. Rider