

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Sumter County  
The Honorable Michael G. Nettles, Circuit Court Judge

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Common Pleas Case No. 2008-CP-43-00905  
Appellate Case No. 2013-001968  
(Capital PCR Action)

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**RECEIVED**

SEP 12 2014

BOBBY WAYNE STONE,

Petitioner,

**S.C. Supreme Court**

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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

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The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Return to 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 Return is due today, September 12, 2014, upon this Court's grant of Respondent's second request for an extension filed on August 14, 2014.

Counsel makes this request because he has been unable to complete the Return in this matter due to his involvement in other matters in both state and federal court in the past thirty days. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since August 13, 2014. Specifically, counsel

completed and filed the Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment in Clifton Donell Lyles, #294075 vs. Warden, Cecilia Reynolds, C/A No. 4:14-1063-TMC-BM, a federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel also filed a supplement to the Return in Maurice Graves, #208580 vs. Michael McCall, C/A No. 1:13-2866-JFA-SVH, another federal habeas action pending in the United States District Court for the District of South Carolina. In Graves, counsel also filed responses in opposition to an amended motion to stay the federal habeas proceedings, a motion to amend the federal habeas petition, and an amended motion for discovery.

Counsel also spent a significant amount of time preparing for the reconstruction hearing in State vs. Travoris Maurice Hurst, Appellate Case No. 2009-139166 (Indictment No. 2008-GS-10-4301), an appeal in a Charleston County murder case pending before the South Carolina Court of Appeals. The reconstruction hearing was held on August 14, 2014 at the Charleston County Judicial Center before the Honorable J. C. Nicholson, Jr., Circuit Court Judge. Counsel also filed the Initial Brief of Respondent in State vs. Marc Palmer, a direct appeal in a Williamsburg County murder case now pending before the South Carolina Court of Appeals. Counsel has also reviewed the transcript and completed his research on the issues raised on appeal in State vs. Jerry Scantling, a direct appeal in a Beaufort County murder case now pending before the South Carolina Court of Appeals.

Counsel presented oral argument on behalf of the State on Monday, September 8, 2014 before the South Carolina Court of Appeals in State vs. Derell Green, a direct

appeal in a Charleston County murder case. Counsel also presented oral argument on behalf of the State on Wednesday, September 10, 2014 before the South Carolina Court of Appeals in State vs. Graham Franklin Douglas, an appeal to a grant of immunity under the Protection of Persons and Property Act in a Chesterfield County murder case.

Counsel also completed and filed the Petition for Writ of Certiorari for the Petitioner-Respondent in Louis Winkler, Jr., #6027 vs. State of South Carolina, an appeal in an Horry County capital post-conviction relief action currently pending before this Court.

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 Jamie Goss, #294885 vs. Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 4:14-1299-MGL-TER; James S. Blanding, #329153, a/k/a James Stanley Blanding vs. Warden, Lee Correctional Institution, C/A No. 6:14-2748-TMC-KFM; and Eugene Gary III, #231045 vs. Leroy Cartledge, MCI Warden, C/A No. 8:14-2551-TMC-JDA; all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel has completed significant portions of the Return 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 Return to Petition for Writ of Certiorari in this proceeding. Thus, counsel is requesting an extension of time in which to file the Return 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 Return to Petition for Writ of Certiorari.

Respectfully Submitted,

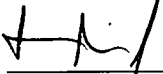
ALAN WILSON  
Attorney General

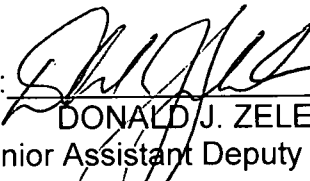
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By:   
ALPHONSO SIMON, JR.  
Assistant Attorney General

By:   
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

I support the finding of good cause.

September 12, 2014.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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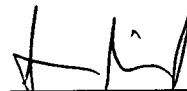
**PROOF OF SERVICE**

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I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third extension to file Return to Petition for Writ of Certiorari via U.S. mail to his attorneys of record, Emily C. Paavola, Esq., Death Penalty Resource and Defense Center, 900 Elmwood Avenue, Ste. #101, Columbia, South Carolina 29201, and to John H. Blume, III, Esq., Blume Norris & Franklin-Best LLC, 900 Elmwood Ave., Suite #101, Columbia, SC 29201.

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

This 12<sup>th</sup> day of September, 2014.



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ALPHONSO SIMON, JR.