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THE STATE OF SOUTH CAROLINA **S.C. SUPREME COURT**  
In The Supreme Court

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

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

**CAPITAL CASE**

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Louis Michael Winkler Jr., Respondent-Petitioner

v.

State of South Carolina, Petitioner-Respondent

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**RESPONDENT-PETITIONER'S SECOND MOTION  
FOR EXTENSION OF TIME TO FILE RETURN**

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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 his Return to the State's Petition for Writ of Certiorari presently due for filing on October 17, 2014. The reasons for this motion are as follows:

1. Petitioner-Respondent served and filed the Petition for Writ of Certiorari on August 18, 2014, making Respondent-Petitioner's Return initially due on September 17, 2014. This Court granted Respondent-Petitioner's first request for a thirty-day extension of time. Respondent-

Petitioner has begun work on the Return, but requires additional time due to a heavy caseload and the complex nature of this matter.

2. In the past thirty days, undersigned counsel filed and served Petitioner-Respondent's own Petition for Writ of Certiorari in this matter. Moreover, 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; assisting in preparations for oral argument in *Binney v. South Carolina*, pending before this Court; and assisting in pre-trial preparations for Kevin Mercer's capital re-sentencing trial.

3. In the past thirty days, Mr. Mills has been working *Christeson v. Roper*, a capital case under warrant of execution. Mr. Christeson's execution is scheduled on October 29. Mr. Mills is counsel on his petition to the United States Supreme Court. Mr. Mills has also been conducting investigation and case preparations for *State v. Rose*, an Arizona capital post-conviction relief proceeding. Moreover, Mr. Mills has had substantial filings in *State v. Hoyle* and *State v. Brown*, cases pending before the North Carolina Court of Appeals.

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 Return to the State's Petition for Writ of Certiorari due on November 17, 2014.

Respectfully submitted,

**JOHN R. MILLS**

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By: Emily C. Paavola  
Counsel for Respondent

October 15<sup>th</sup>, 2014

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In The Supreme Court

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CERTIFICATE OF SERVICE

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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 5<sup>th</sup> day of October, 2014, upon the following:

Alphonso Simon  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211

  
Jill A. Rider