

# The Supreme Court of South Carolina

The State,

Petitioner,

v.

Thomas T. Bryant, Jr.

Respondent.

The Honorable Perry M. Buckner  
Richland County  
Trial Court Case No. 2000-GS-40-43702

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## ORDER

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Petitioner seeks an extension to serve and file the return to the petition for writ of certiorari, and asserts that extraordinary circumstances justify this extension. The opposing party does not oppose the motion and consents to the extension. The request for an extension is granted until September 30, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

September 30, 2011

cc: Assistant Attorney General Alphonso Simon, Jr.  
Chief Appellate Defender Robert M. Dudek

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ORIGINAL

\_\_\_\_\_  
Certiorari to Richland County  
Perry M. Buckner, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

SEP 27 2011

S.C. Supreme Court

(4)

THOMAS T. BRYANT, JR.,

RESPONDENT,

V.

THE STATE.,

PETITIONER

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
RETURN TO PETITION FOR WRIT OF CERTIORARI  
\_\_\_\_\_

The undersigned counsel respectfully requests a **final three day extension until September 30, 2011** 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 extraordinary circumstances:

1. The return to petition for writ of certiorari in this case are due to be served and filed today.
2. Counsel is attending the annual conference of the South Carolina Public Defender Association held September 26-28, 2011 at Kingston Plantation, Myrtle Beach, S.C., where he will present a case law update. Counsel filed the initial brief and designation of matter in State v. Nicholas Brannon with the Court of Appeals on September 23, 2011. Counsel argued the case of State v. Johnny Mahaffey before the Court of Appeals on September 14, 2011. Counsel filed the

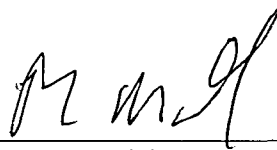
initial brief of appellant in the voluntary manslaughter case of State v. Eric Darien with the Court of Appeal on September 9, 2011. Counsel filed the sixty-five page initial brief of appellant in the death penalty case of State v. Steven Stanko with this Court on August 26, 2011, wherein the transcripts were 3439 pages long. Counsel filed the initial brief of appellant in murder case of State v. J'Corey Hull-Kilgore with the Court of Appeals on September 6, 2011. Counsel filed the petition for writ of certiorari to the Court of Appeals in State v. Beulah Butler with this Court on August 31, 2011. Counsel filed the initial brief of appellant in murder case of State v. Derrick Fishburne with the Court of Appeals on August 19, 2011. Counsel filed the petition for writ of certiorari in Johnny Gambrell v. State with this Court on August 12, 2011. Counsel filed the brief in opposition in State v. Jack Edward Earl Parker with the United States Supreme Court on August 10, 2011. Counsel filed the initial brief in State v. Robert Fuller with the Court of Appeals on August 5, 2011. Counsel filed a petition for writ of certiorari in Hardy Lassiter v. State with this Court on August 4, 2011. Counsel filed the petition for writ of certiorari to the Court of Appeals in the murder case of State v. Raymondeze L. Rivera with this Court on August 4, 2011. Counsel and co-counsel filed the petition for writ of certiorari in death penalty case of Bayan Aleksey v. State with the Court of Appeals on June 22, 2011, which was 90 pages long, included 9 issues, and had an accompanying appendix in excess of 6,000 pages. In addition to the above, counsel has very extensive administrative duties as the Chief Appellate Defender

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

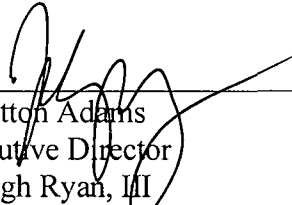
WHEREFORE, the undersigned counsel would respectfully request a **final three day extension until September 30, 2011**. Counsel respectfully requests that the time limits for filing the return to petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

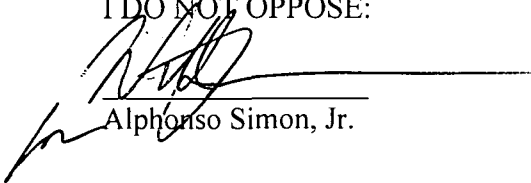


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T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

September 27, 2011

I DO NOT OPPOSE:



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Alphonso Simon, Jr.

# The Supreme Court of South Carolina

The State,

Petitioner,

v.

Thomas T. Bryant, Jr.

Respondent.

The Honorable Perry M. Buckner  
Richland County  
Trial Court Case No. 2000-GS-40-43702

---

## ORDER

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For good cause shown, the request for an extension to Petition for extension to file Return to Petition for Writ of Certiorari is granted and extended until September 27, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

September 12, 2011

cc: Assistant Attorney General Alphonso Simon, Jr.  
Chief Appellate Defender Robert M. Dudek

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Richland County  
Perry M. Buckner, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

SEP - 9 2011

S.C. Supreme Court

(3)

THOMAS T. BRYANT, JR.,

RESPONDENT,

v.

THE STATE.,

PETITIONER

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
RETURN TO PETITION FOR WRIT OF CERTIORARI  
\_\_\_\_\_

The undersigned counsel respectfully requests a **final eighteen day extension until September 27, 2011** 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 extraordinary circumstances:

1. The return to petition for writ of certiorari in this case are due to be served and filed today.

2. Counsel is currently reassigning all cases assigned to Tristan Shaffer who is leaving our office for private practice. Counsel is filing the initial brief of appellant in the voluntary manslaughter case of State v. Eric Darien with the Court of Appeals today, September 9, 2011. Counsel filed the sixty-five page initial brief of appellant in the death penalty case of State v. Steven Stanko with this Court on August 26, 2011, wherein the transcripts were 3439

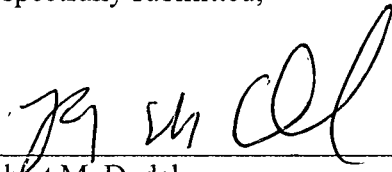
pages long. Counsel filed the initial brief of appellant in murder case of State v. J'Corey Hull-Kilgore with the Court of Appeals on September 6, 2011. Counsel filed the petition for writ of certiorari from the Court of Appeals in State v. Beulah Butler with this Court on August 31, 2011. Counsel filed the initial brief of appellant in murder case of State v. Derrick Fishburne with the Court of Appeals on August 19, 2011. Counsel filed the petition for writ of certiorari in Johnny Gambrell v. State with this Court on August 12, 2011. Counsel filed the brief in opposition in State v. Jack Edward Earl Parker with the United States Supreme Court on August 10, 2011. Counsel filed the initial brief in State v. Robert Fuller with the Court of Appeals on August 5, 2011. Counsel filed a petition for writ of certiorari in Hardy Lassiter v. State with this Court on August 4, 2011. Counsel filed the petition for writ of certiorari from the Court of Appeals in the murder case of State v. Raymondeze L. Rivera with this Court on August 4, 2011. Counsel filed the brief of appellant in State v. Robert C. Johnson with the Court of Appeals on July 29, 2011. Counsel and co-counsel filed the petition for writ of certiorari in death penalty case Bayan Aleksey v. State with this Court on June 22, 2011, which was 90 pages long, included 9 issues, and had an accompanying appendix in excess of 6,000 pages. Counsel filed the petition for writ of certiorari in State v. Juan Orozco with this Court on July 22, 2011. Counsel filed the brief of petitioner in State v. Chris Anthony Liverman with this Court on July 19, 2011. Counsel filed the petition for rehearing in State v. Aurelio Vincent Ottey with the Court of Appeals on June 29, 2011. In addition to the above, counsel has very extensive administrative duties as the Chief Appellate Defender.

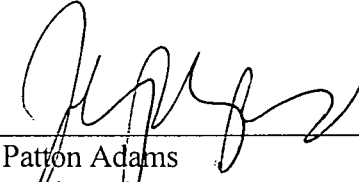
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

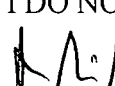
WHEREFORE, the undersigned counsel would respectfully request a **final eighteen day extension until September 27, 2011**. Counsel respectfully requests that the time limits for filing the return to petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

  
\_\_\_\_\_  
T. Patton Adams  
Executive Director  
J. Hugh Ryan, III  
General Counsel

September 9, 2011

I DO NOT OPPOSE:  
  
\_\_\_\_\_  
Alphonso Simon, Jr.



 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Richland County

Perry M. Buckner, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

AUG 10 2011

(2)  
S.C. Supreme Court

THOMAS T. BRYANT, JR.,

RESPONDENT,

V.

THE STATE.,

PETITIONER

\_\_\_\_\_  
PETITION FOR EXTENSION TO FILE  
RETURN TO PETITION FOR WRIT OF CERTIORARI  
\_\_\_\_\_

The undersigned counsel respectfully requests a thirty 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 extraordinary circumstances:

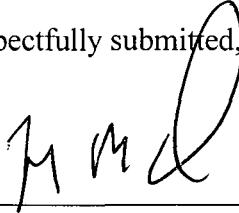
1. The return to the petition for writ of certiorari in this case is due to be served and filed today.
2. Counsel is filing the brief in opposition in State v. Jack Edward Earl Parker with the United States Supreme Court today. Counsel is working on the initial brief of appellant in the death penalty case of State v. Steven Stanko, which is due August 26, 2011. The transcript in that case is 3439 pages long. Counsel will be traveling to Horry County to examine exhibits in this case on Friday, August 12, 2011, which will take most of the day. Counsel and co-counsel filed the petition for writ of certiorari in death penalty case Bayan Aleksey v. State with this Court on

June 22, 2011, which was 90 pages long, included 9 issues, and had an accompanying appendix in excess of 6,000 pages. Counsel filed the initial Anders brief in State v. Robert Fuller with the Court of Appeals on August 5, 2011. Counsel filed the petition for writ of certiorari in Hardy Lassiter v. State with this Court on August 4, 2011. Counsel filed the petition for writ of certiorari from the Court of Appeals in State v. Raymondeze L. Rivera with this Court on August 4, 2011. Counsel filed the brief of appellant in State v. Robert C. Johnson with the Court of Appeals on July 29, 2011. Counsel filed the petition for writ of certiorari in State v. Juan Orozco with this Court on July 22, 2011. Counsel filed the brief of petitioner in State v. Chris Anthony Liverman with this Court on July 19, 2011. Counsel filed the petition for rehearing in State v. Aurelio Vincent Ottey with the Court of Appeals on June 29, 2011. Counsel went to Greenville for a remand hearing in State v. Gerald Pitts before Judge J. Derham Cole on Tuesday, June 28, 2011. Counsel filed the initial brief and designation of matter in State v. Norman Stoudenmire with the Court of Appeals on June 24, 2011. Counsel filed the brief of respondent in State v. Charles Q. Jackson with this Court on June 24, 2011. Counsel filed the initial brief and designation of matter in State v. Richard Deas with the Court of Appeals on June 15, 2011. Counsel on June 8, 2011 argued the murder case of State v. Ottey before the Court of Appeals. Counsel also has assisted co-counsel Charles Grose in preparing for the oral argument in State v. Roy Otis Tennant before this Court on June 8, 2011. In addition to the above, counsel has very extensive administrative duties as the Chief Appellate Defender.

4. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension. Counsel respectfully requests that the time limits for filing the return to petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R M Dudek', written over a horizontal line.

Robert M. Dudek  
Chief Appellate Defender

August 10, 2011

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

\_\_\_\_\_  
Certiorari to Richland County

Perry M. Buckner, Circuit Court Judge  
\_\_\_\_\_

THOMAS T. BRYANT, JR.,

RESPONDENT,

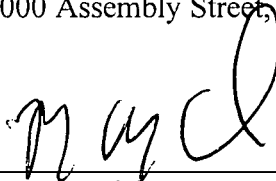
V.

THE STATE.,

PETITIONER

\_\_\_\_\_  
CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the petition for extension to file return to petition for writ of certiorari in the above referenced case has been served upon Alphonso Simon, Jr., Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201, this 10th day of August, 2011.



\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT.

SUBSCRIBED AND SWORN TO before me  
this 10th day of August, 2011.

 (L.S.)  
\_\_\_\_\_  
Notary Public for South Carolina

My Commission Expires: May 16, 2021.

# The Supreme Court of South Carolina

The State,

Petitioner,

v.

Thomas Bryant,

Respondent.

The Honorable Perry M. Buckner  
Richland County  
Trial Court Case No. 2000-GS-40-43702

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## ORDER

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The request for an extension to serve and file the Return to Petition for Writ of Certiorari is granted and extended until August 10, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Wanda J. Shealy*  
Clerk

*Chief Deputy*

Columbia, South Carolina

July 13, 2011

cc: Assistant Attorney General Alphonso Simon, Jr.  
Chief Appellate Defender Robert M. Dudek



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

July 11, 2011

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
P.O. Box 11330  
Columbia, SC 29211

RECEIVED

JUL 11 2011

S.C. Supreme Court

Re: The State v. Thomas T. Bryant, Jr.

Dear Mr. Shearouse:

The Return to Petition for Writ of Certiorari is due to be served and filed with the Court today. However, because of my heavy workload at this time, I am requesting a thirty day extension in which to serve and file the petition.

By copy of this letter, I am informing Alphonso Simon, Jr., Esquire, of the Attorney General's Office, of my request.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/cms

cc: Alphonso Simon, Jr., Esquire  
Court of Appeals



ALAN WILSON  
ATTORNEY GENERAL

RECEIVED

June 10, 2011

JUN 13 2011

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, South Carolina 29211

S.C. Supreme Court  
pm 6-10-11

Re: State v. Thomas Bryant  
Petition for Writ of Certiorari to the Court of Appeals

Dear Mr. Shearouse:

Enclosed please find an original and six copies of the Petition for Writ of Certiorari, two copies (one unbound) of the Appendix, and the Proof of Service to be filed in this appeal.

By copy of this letter I am serving two (2) copies of same upon Respondent's counsel.

Thank you for your assistance in this matter.

Sincerely,

Alphonso Simon, Jr.  
Assistant Attorney General

AS:dmd

Enclosures

cc: Robert Dudek, Esq. (w/2 copies of encls.)  
Clerk, South Carolina Court of Appeals (w/2 copies of encls.)  
The Honorable Daniel E. Johnson, Solicitor, 5<sup>th</sup> Judicial Circuit  
Sandi Wofford, Victim Services

# The Supreme Court of South Carolina

The State,

Petitioner,

v.

Thomas Bryant,

Respondent.

The Honorable Perry M. Buckner  
Richland County  
Trial Court Case No. 2000-GS-40-43702

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## ORDER

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For good cause shown, the request for an extension to serve and file Petition for Writ of Certiorari and Appendix is granted and extended until June 10, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what actions are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

May 23, 2011

cc: Assistant Attorney General Alphonso Simon, Jr.  
Chief Appellate Defender Robert M. Dudek  
The Honorable Tanya Gee

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

RECEIVED

Appeal from Richland County  
Perry M. Buckner, Circuit Court Judge

MAY 20 2011

THE STATE OF SOUTH CAROLINA,

S.C. Supreme Court

PETITIONER,

(3)

V.

THOMAS T. BRYANT, JR.,

RESPONDENT.

THIRD MOTION FOR EXTENSION TO FILE  
PETITION FOR WRIT OF CERTIORARI AND APPENDIX

The undersigned counsel would respectfully request a twenty-one (21) day extension in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. This is a third request for an extension. In support of this motion, counsel would respectfully show the Court the following:

The Petition is due today, May 20, 2011, upon this Court's grant of Petitioner's second request for an extension filed on May 2, 2011.

The undersigned attorney for the above Petitioner moves that the time for return be extended by twenty-one (21) days up to and including June 10, 2011. The undersigned attorney for the Respondent has had and is scheduled to have a number of state and federal matters to attend to in the past thirty (30) days. Specifically, counsel has spent a significant amount of time preparing a proposed order in Kevin Mercer, #6021 v. State of South Carolina, 2009-CP-32-5465, a Lexington County capital post-conviction relief action. Counsel reviewed the Record

on Appeal in Norman Starnes v. State of South Carolina, 2011-CP-32-830, a capital post-conviction relief action pending in Lexington County. Counsel also prepared and filed the Return to Application for Post-Conviction Relief in Starnes v. State.

Counsel has also drafted and filed the Returns and Memoranda of Law in Support of Motions for Summary Judgment in John Bradley Turner, #290521 v. Warden, Perry Correctional Institution, C/A No. 1:10-2433-HFF-SVH; Damon L. Doyle, #282794 v. A.J. Padula, Warden, C/A No. 6:10-3242-JMC-KFM; Jahmell Williams, #320676 v. Anthony Padula, Warden of Lee Correctional Institution, C/A No. 8:11-0255-CMC-JDA on April 29, 2011; and Jason Kelly, #287190 vs. Leroy Cartledge, Warden, C/A No. 0:10-3136-SB-PJG all federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel prepared and filed the Return to Petition for Writ of Certiorari to the Court of Appeals in the matter of State vs. Adams Gibson, a direct appeal in a Richland County murder case; and also prepared the Return to Motion for a Stay of Execution and for the Appointment of a Post-Conviction Relief Judge in the Horry County Capital matter of Louis Michael Winkler v. State of South Carolina, No. 10-9125.

Due to these and undersigned counsel's involvement in other matters pending in state and federal court, counsel was unable to timely properly prepare the Petition for Writ of Certiorari and Appendix 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 twenty-one (21) day extension of time to serve and file the Petition for Writ of Certiorari and Appendix in this matter.

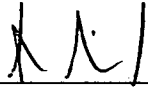
Respectfully submitted,

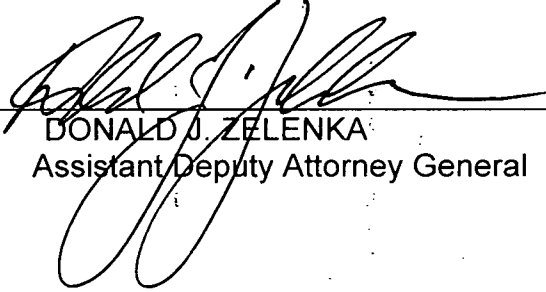
ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Deputy Attorney General

DONALD J. ZELENKA  
Assistant Deputy Attorney General

ALPHONSO SIMON, JR.  
Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6307

BY:   
\_\_\_\_\_  
ALPHONSO SIMON, JR.  
ATTORNEYS FOR RESPONDENT

BY:   
\_\_\_\_\_  
DONALD J. ZELENKA  
Assistant Deputy Attorney General

May 20, 2011.

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Richland County  
Perry M. Buckner, Circuit Court Judge

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THE STATE OF SOUTH CAROLINA,

PETITIONER,

V.

THOMAS T. BRYANT, JR.,

RESPONDENT.

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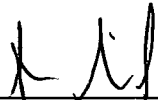
PROOF OF SERVICE

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I, Alphonso Simon, Jr., of Counsel for the Petitioner, certify that I have served the within Motion for Extension to File Petition for Writ of Certiorari and Appendix via hand delivery to Respondent's attorney of record, Robert M. Dudek, Esq., SCCID, Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, SC 29201.

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

This 20<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_  
ALPHONSO SIMON, JR.  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6307



ALAN WILSON  
ATTORNEY GENERAL

May 20, 2011

RECEIVED

MAY 20 2011

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

S.C. Supreme Court

Re: *The State v. Thomas Bryant*  
Appeal from Richland County  
Court of Appeals Opinion No.: 4766 filed 12-15-10

Dear Mr. Shearouse:

I hereby request an extension of twenty-one (21) days in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. The Petition is currently due to be served and filed today, May 20, 2011. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Petition for Writ of Certiorari.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension of Time to File Petition for Writ of Certiorari. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

Alphonso Simon, Jr.,  
Assistant Attorney General

AS/dmd

Enclosures

cc: Robert Dudek, Esq.  
South Carolina Court of Appeals

# The Supreme Court of South Carolina

The State,

Petitioner,

v.

Thomas Bryant,

Respondent.

The Honorable Perry M. Buckner  
Richland County  
Trial Court Case No. 2000-GS-40-43702

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## ORDER

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For good cause shown, the request for an extension to serve and file Petition for Writ of Certiorari and Appendix is granted and extended until May 20, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Brenda L. Shealy*  
Clerk

*Chief Deputy*

Columbia, South Carolina

May 2, 2011

cc: Assistant Attorney General Alphonso Simon, Jr.  
Chief Appellate Defender Robert M. Dudek  
The Honorable Tanya Gee

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Richland County  
The Honorable Perry M. Buckner, Circuit Court Judge

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THE STATE OF SOUTH CAROLINA,

PETITIONER

RECEIVED

V.

APR 29 2011

THOMAS T. BRYANT, JR,

S.C. Supreme Court  
RESPONDENT.

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MOTION FOR EXTENSION TO FILE PETITION  
FOR WRIT OF CERTIORARI AND APPENDIX

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The undersigned counsel would respectfully request a twenty-one (21) day extension in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. This is a second request for an extension. In support of this motion, counsel would respectfully show the Court the following:

The Petition is due today, April 29, 2011, upon this Court's grant of Petitioner's first request for an extension filed on March 28, 2011.

The undersigned attorney for the Petitioner has had a number of state and federal matters to attend to since March 30, 2011. Specifically, counsel prepared and filed Respondent's Memorandum of Law Regarding Treatment of Mental Retardation Claims in Post-Conviction Relief Actions after Franklin v. Maynard on April 18, 2011 in Kevin Mercer, #6021 v. State of South Carolina, 2009-CP-32-5465, a Lexington County capital post-conviction relief action. Counsel also prepared for and attended the argument on this brief which was heard by the PCR Court on

Tuesday, April 26, 2011. Counsel reviewed the Record on Appeal in preparation for three (3) depositions in Norman Starnes v. State of South Carolina, 2011-CP-32-830, a capital post-conviction relief action pending in Lexington County. Counsel also prepared and filed the Return to Application for Post-Conviction Relief in Starnes v. State.

Counsel prepared the Final Brief of Respondent in State vs. Jonathan Millard Campbell, a direct appeal in a Greenville County murder case pending before this Court. Counsel also prepared the Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment in Jahmell Williams, #320676 v. Anthony Padula, Warden of Lee Correctional Institution, C/A No. 8:11-0255-CMC-JDA, a federal habeas action currently pending in the United States District Court for the District of South Carolina. Counsel prepared and filed a Reply to Response to Motion for Summary Judgment in Terry Dimingo Terry, #307935 vs. Mr. Leroy Cartledge, Warden of McCormick Correctional Institution, C/A No. 6:10-2006-JFA-KFM on March 31, 2011; and Respondent's response in opposition to Petitioner's Request for Appointment of Counsel in Jason Kelly, #287190 vs. Leroy Cartledge, Warden, C/A No. 0:10-3136-SB-PJG on April 14, 2011, all in pending federal habeas corpus actions pending in the United States District Court for the District of South Carolina. Counsel has also spent a substantial amount of time reviewing the files and drafting significant portions of the Returns to be filed in Jason Kelly, #287190 vs. Leroy Cartledge, Warden, C/A No. 0:10-3136-SB-PJG; Damon L. Doyle, #282794 v. A.J. Padula, Warden, C/A No. 6:10-3242-JMC-KFM; and John Bradley Turner, #290521 vs. Warden, Perry C.I.,

C/A No. 1:10-2433-HFF-SVH; all federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel prepared and filed the Return to Petition for Writ of Certiorari to the Court of Appeals in the matter of State vs. Adams Gibson, a direct appeal in a Richland County murder case; and prepared the Return to Motion for a Stay of Execution and for the Appointment of a Post-Conviction Relief Judge in the Horry County Capital matter of Louis Michael Winkler v. State of South Carolina, No. 10-9125. Both matters are currently pending before this Court. Counsel also completed review of the 2100 pages of transcript in preparation for drafting the Initial Briefs of Respondent in State of South Carolina vs. Tremaine Rashon Wray and State vs. Taurus Watts, direct appeals of co-defendants in a Richland County murder case currently pending before the South Carolina Court of Appeals. Counsel has also spent a substantial amount of time working on the Return to Petition for Writ of Certiorari in Tyree Roberts, a/k/a Abdiyyah Alkebulanyahh vs. State of South Carolina, a PCR appeal currently pending before this Court.

Due to these and counsel's involvement in other matters pending in state and federal court, counsel was unable to timely complete the Petition for Writ of Certiorari and Appendix in this case. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a twenty-one (21) day extension of time to serve and file the Petition for Writ of Certiorari and Appendix.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. MCINTOSH  
Deputy Attorney General

DONALD J. ZELENKA  
Assistant Deputy Attorney General

ALPHONSO SIMON, JR.  
Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

BY:



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ALPHONSO SIMON, JR.  
ATTORNEYS FOR RESPONDENT

April 29, 2011.

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Richland County  
The Honorable Perry M. Buckner, Circuit Court Judge

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THE STATE OF SOUTH CAROLINA,

PETITIONER,

V.

THOMAS T. BRYANT, JR.,

RESPONDENT.

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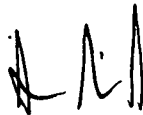
PROOF OF SERVICE

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I, Alphonso Simon, Jr., of Counsel for the Respondent, certify that I have served the within Motion for Extension to File Petition for Writ of Certiorari and Appendix via U.S. mail to his attorney of record, Robert Dudek, Esq., SCCID, Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, SC 29201.

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

This 29<sup>th</sup> day of April, 2011.



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ALPHONSO SIMON, JR.  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305



ALAN WILSON  
ATTORNEY GENERAL

April 29, 2011

RECEIVED

APR 29 2011

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

S.C. Supreme Court

Re: *The State v. Thomas Bryant*  
Appeal from Richland County  
Court of Appeals Opinion No.: 4766 filed 12-15-10

Dear Mr. Shearouse:

I hereby request an extension of twenty-one (21) days in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. The Petition is currently due to be served and filed today, April 29, 2011. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Petition for Writ of Certiorari.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension of Time to File Petition for Writ of Certiorari. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

Alphonso Simon, Jr.,  
Assistant Attorney General

AS/dmd  
Enclosures  
cc: Robert Dudek, Esq.

# The Supreme Court of South Carolina

The State,

Petitioner,

v.

Thomas Bryant,

Respondent.

The Honorable Perry M. Buckner  
Richland County  
Trial Court Case No. 2000-GS-40-43702

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## ORDER

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The request for an extension to serve and filed Petition for Writ of Certiorari and Appendix is granted and extended until April 29, 2011. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY

*Brenda J. Shealy*  
Clerk

*Chief Deputy*

Columbia, South Carolina

March 30, 2011

cc: Assistant Attorney General Alphonso Simon  
Chief Appellate Defender Robert M. Dudek  
The Honorable Tanya Gee



ALAN WILSON  
ATTORNEY GENERAL

March 28, 2011

**RECEIVED**

MAR 28 2011

The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**S.C. Supreme Court**

Re: *The State v. Thomas Bryant*  
Appeal from Richland County  
Court of Appeals Opinion No.: 4766 filed 12-15-10

Dear Mr. Shearouse:

I hereby request an extension of thirty (30) days in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. The Petition is currently due to be served and filed on Wednesday, March 30, 2011. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Petition.

Therefore, I am requesting this extension within which to serve and file the Petition for Writ of Certiorari and Appendix. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

Alphonso Simon  
Assistant Attorney General

AS:dmd

cc: The Honorable Tanya A. Gee, Clerk, South Carolina Court of Appeals  
Robert M. Dudek, Esq.  
The Honorable Daniel E. Johnson, Solicitor 5th Judicial Circuit  
Sandi Wofford, Victim Services