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S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
In The 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 THIRD MOTION
FOR EXTENSION OF TIME TO FILE RETURN**

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 November 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 and second requests 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, Ms. Paavola has been working on investigation and case preparations for *Bell v. South Carolina*, *Stanko v. South Carolina*, and *Wood v. South Carolina*, all capital post-conviction relief proceedings; assisting in preparations for oral argument in *Binney v. South Carolina*, pending before this Court; assisting in pre-trial preparations for Kevin Mercer's capital re-sentencing trial; assisting in preparations for filing a federal habeas petition in *Bennett v. Stirling*, a capital federal habeas case; and, drafting objections to the Magistrate Judge's recommendations in *Alkebulanyahh v. Byars*, also a capital federal habeas case.

3. In the past thirty days, Mr. Mills has been working *Christeson v. Roper*, a capital case pending before the United States Supreme Court. On October 29, the day Mr. Christeson's execution was scheduled, the United States Supreme Court granted a stay of execution. Mr. Mills has been making case preparations in anticipation of a decision on Mr. Christeson's petition for a writ of certiorari, including plans in the event of the setting of a new date of execution. Mr. Mills has also been conducting investigation and case preparations for *State v. Rose*, an Arizona capital post-conviction relief proceeding. He has also had substantial obligations related to strict deadlines in *State v. Miller*, *State v. Henry*, *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 December 17, 2014.

Respectfully submitted,

JOHN R. MILLS

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By: Emily C. Paavola
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November 12th 2014

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The Honorable Benjamin H. Culbertson, Circuit Court Judge

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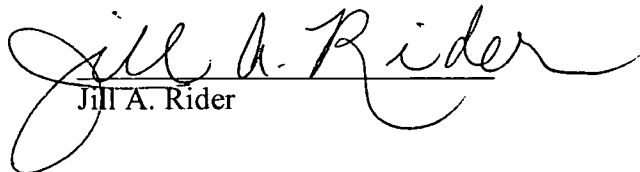
v.

State of South Carolina, Petitioner-Respondent

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 12th day of November, 2014, upon the following:

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


Jill A. Rider