

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JAN - 8 2015

Appeal from Charleston County
The Honorable J. C. Nicholson, Circuit Court Judge

S.C. Supreme Court

Trail Court Case No. 2013-GS-10-00799
Appellate Case No. 2014-002123

THE STATE,

Appellant,

vs.

WHITLEE JONES,

Respondent.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
INITIAL BRIEF OF APPELLANT**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Appellant in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Appellant's Brief is due today, January 8, 2015, upon this Court's grant of Appellant's first request for an extension filed on December 12, 2014.

Counsel makes this request due to his involvement in other matters in both state and federal court within the past thirty-one days. Specifically, counsel completed and filed the Motions for Summary Judgment, Returns and Memoranda of Law in Support of Motions for Summary Judgment in Timothy Blassingame, #213064 vs. Leroy Cartledge,

Warden, C/A No. 4:14-2814-JMC-TER; Donques Hood, #333563 vs. Warden, Perry Correctional Institution, C/A No. 5:14-3478-JMC-KDW; Harold Lee Greer, #277417 vs. Warden Perry Correctional Institution, C/A No. 2:14-3502-BHH-WWD; and Travonte Williams, #346287 vs. Warden, Perry Correctional Institution, C/A No. 9:14-3903-JMC-BM, all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel has also reviewed the files and completed a significant amount of work on the Motions for Summary Judgment, Return and Memoranda of Law in support of Motions for Summary Judgment in Patrick Spigner, #340898 vs. Warden Lieber Correctional Institution, C/A No. 4:14-3570-TMC-TER; Shaheen Cabbagestalk, #295567 vs. Warden J. McFadden, C/A No. 5:14-03771-RMG-KDW; Lawrence Pinckney, #337981 vs. Joseph McFadden (Warden), C/A No. 6:14-4274-MGL-KFM; and Tonnie Nathaniel Baldwin, II, #273682 vs. Warden Leroy Cartledge, C/A No. 8:14-3726-DCN-JDA; all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel filed the Respondent's Response in Opposition to Motion for Default Judgment and the Respondent's Response in Opposition to Motion for Summary Judgment in Shaheen Cabbagestalk, #295567, v. Warden J. McFadden, C/A No. 5:14-3771-RMG-KDW.

Counsel also filed a Response in Opposition to a Motion for a Stay in Abdiyyah Ben Alkebulanyahh, #SK-6012, (fka Tyree Alphonso Roberts) vs. William R. Byars, Jr., Commissioner, South Carolina Department of Corrections; Wayne C. McCabe, Warden

of Lieber Correctional Institution, C/A No. 6:13-918-TLW, a capital federal habeas action now pending before the United States District Court for the District of South Carolina.

Counsel also filed the Return and Motion to Dismiss in Abdiyyah Ben Alkebulanyahh, #SK-6012, (fka Tyree Alphonso Roberts) vs. State of South Carolina, Case No. 2014-CP-07-2994, a successive capital post-conviction relief action now pending in the Beaufort County Court of Common Pleas.

Counsel also filed the Final Brief of Respondent in State v. Jerry Scantling, a direct appeal in a Beaufort County murder case now pending before the South Carolina Court of Appeals. On January 6, 2015, counsel presented oral argument on behalf of the State in State v. Tyrone King, a direct appeal in a Marlboro County murder case currently pending before the South Carolina Court of Appeals. Counsel filed a Petition for Rehearing in the South Carolina Court of Appeals in State vs. Graham Franklin Douglas, a State's appeal of a grant of immunity under the Protection of Persons in Property Act in a Chesterfield County murder case yesterday, January 7, 2015.

Further, counsel has also done a significant amount of work in drafting the Return to the federal habeas petition in Johnny O'Landis Bennett, Jr. v. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden of Lieber Correctional Institution, C/A No. 2:13-03191-RMG-WWD, a federal habeas action in a capital case now pending before the United States District Court for the District of South Carolina.

Counsel for Appellant was also out of the office the week of Monday, December 22, 2014 due to influenza. Counsel has also reviewed the transcript and files and completed a significant amount of research in preparation for drafting the Initial Brief of

Appellant in this matter. Due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Appellant in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief of Appellant 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 Initial Brief of Appellant.

Respectfully Submitted,


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By:  _____
ALPHONSO SIMON, JR.

January 8, 2015.

ATTORNEYS FOR APPELLANT

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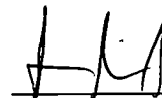
Respondent.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Appellant, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Appellant via U.S. mail to his attorneys of record, Robert M. Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 8th day of January, 2015.



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