

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. Supreme Court

Appeal from Horry County
The Honorable Benjamin H. Culbertson, Circuit Court Judge

Court of Common Pleas Case No. 2011-CP-26-3907
(Capital PCR Action)
Appellate Case No. 2014-000904

LOUIS MICHAEL WINKLER, JR.,

Respondent/Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Petitioner/Respondent.

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

The undersigned counsel would respectfully request an additional ten (10) day extension in which to file the Reply to 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:

Petitioner/Respondent's Reply is due today, January 20, 2015, upon this Court's grant of Petitioner/Respondent's second request for an extension filed on January 9, 2015.

Counsel makes this request because he has been unable to complete the Reply to Return in this matter due to his involvement in other matters in both state and federal

court in the past ten days. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 9, 2015. Specifically, counsel completed and filed the Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment in Tonnie Nathaniel Baldwin, II, #273682 vs. Warden Leroy Cartledge, C/A No. 8:14-3726-DCN-JDA, a federal habeas action 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 Braheim J. Hill, #316768 vs. Warden Cartledge, C/A No. 2:14- 3775-BHH-MGB; all federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel has also done a significant amount of work in nearly completing the Return and Memorandum of Law in Support of Motion for Summary Judgment Johnny O'Landis Bennett, Jr. vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden of Lieber Correctional Institution, C/A No. 2:13-03191-RMG-MGB, a federal habeas action in a capital case also pending before the United States District Court for the District of South Carolina.

Counsel filed a Reply to Response in Opposition to Motion for Summary Judgment [Docket Entry #22] in the matter of Sherman Dewalt, #326410 vs. Warden Leroy Cartledge; and counsel also filed Respondent's Response in Opposition to Motion for Permission for Motion for Admission [Docket Entry #90] in the matter of Maurice Graves, #208580 vs. Michael McCall, C/A No. 1:13-2866-RMG-SVH.

On January 16, 2015, counsel represented the State at the appointment of counsel and scheduling hearing before the Honorable R. Knox McMahon, Circuit Court Judge, in the Edgefield County Courthouse in the matter of 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 has also reviewed the files and completed a substantial amount of research in drafting the Initial Brief of Appellant in State vs. Whitlee Jones, a State's appeal to a grant of immunity under the Protection of Persons and Property Act now pending before the South Carolina Supreme Court.

Counsel has also completed a significant amount of research and drafted portions of the Reply to Return to Petition for Writ of Certiorari 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 Reply to Return to Petition for Writ of Certiorari in this proceeding. Thus, counsel is requesting an extension of time in which to file the Reply 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 ten (10) day extension of time to serve and file the Reply to Return to Petition for Writ of Certiorari.

Respectfully Submitted,

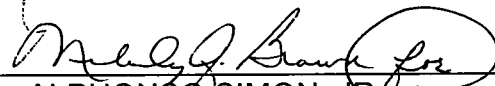
ALAN WILSON
Attorney General

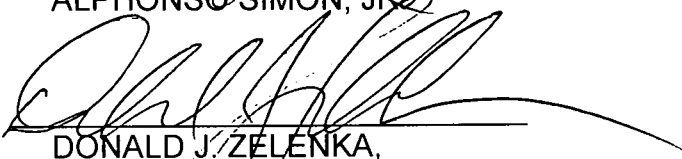
JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
Bar No. 74713

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
ALPHONSO SIMON, JR.

By: 
DONALD J. ZELENKA,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

January 20, 2015.

ATTORNEYS FOR PETITIONER/RESPONDENT

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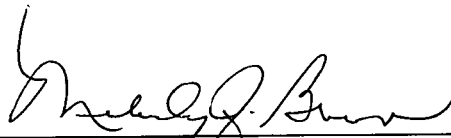
Petitioner/Respondent.

PROOF OF SERVICE

I, Melody J. Brown, on behalf of counsel for the Petitioner/Respondent, certify that I have served two (2) copies of the within motion for a third extension to file the Reply to 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 R. Mills, Esq., Law Offices of John R. Mills, 3145 Geary Blvd., #213, San Francisco, California 94118.

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

This 20th day of January, 2015.



Melody J. Brown, Senior Assistant
Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305