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**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

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

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LOUIS MICHAEL WINKLER, JR.,

Respondent/Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Petitioner/Respondent.

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**MOTION FOR FOURTH EXTENSION OF TIME TO FILE  
REPLY TO RETURN TO PETITION FOR WRIT OF CERTIORARI  
AND TO FILE RETURN TO RESPONDENT-PETITIONER'S  
PETITION FOR WRIT OF CERTIORARI**

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The undersigned counsel would respectfully request an additional seven (7) day extension in which to file the Reply to Return to Petition for Writ of Certiorari and the Return to Respondent/Petitioner's 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 and Return are due today, January 30, 2015, upon this Court's grant of Petitioner/Respondent's third requests for an extension filed on January 22, 2015 and January 2, 2015, respectively.

Counsel makes this request because he has been unable to complete the Reply and the Return in this matter due to his involvement in other matters in both state and federal court in the past thirty days. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 31, 2015. Specifically, counsel completed and filed the Motions for Summary Judgment, Returns and Memoranda of Law in Support of Motions for Summary Judgment in Harold Lee Greer, #277417 vs. Warden Perry Correctional Institution, C/A No. 2:14-3502-BHH-WWD; Travonte Williams, #346287 vs. Warden, Perry Correctional Institution, C/A No. 9:14-3903-JMC-BM; Tonnie Nathaniel Baldwin, II, #273682 vs. Warden Leroy Cartledge, C/A No. 8:14-3726-DCN-JDA; 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 also filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of 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 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 Shaheen Cabbagestalk, #295567 vs. Warden J. McFadden, C/A No. 5:14-03771-RMG-KDW; Timothy Kinard, #304285 vs. Joseph Battle Administrator, Abbeville County Detention Center, C/A No. 5:14-4391-BHH-KDW;

Lawrence Pinckney, #337981 vs. Joseph McFadden (Warden), C/A No. 6:14-4274-MGL-KFM; Antonio Williams, #300760 vs. Leroy Cartledge, Warden, C/A No. 8:14-4344-DCN-JDA; and Christopher M. Vaughn, #339181 vs. Warden Tim Riley, C/A No. 2:14-4559-TMC-WWD; all federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel has also started review of the Petition and some of the state court records relating to Petitioner's claim in the matter of Alfred Redwine, #291230 vs. Warden Leroy Cartledge, C/A No. 2:14-04558-TLW-MGB; another federal habeas action 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 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.

Counsel also spent a substantial amount of time preparing for a limited evidentiary hearing 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 federal habeas action in a capital case now pending in the United States District Court for the District of South Carolina. The hearing was held before the

Honorable Judge Kevin F. McDonald, United States Magistrate Judge, yesterday, January 29, 2015.

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. 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 Alkebulanyahh successive capital post-conviction relief action.

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 also 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.

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 nearly completed both the Reply to Return to Petition for Writ of Certiorari and the Return to Respondent/Petitioner's 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 and the Return to Petition for Writ of Certiorari in this proceeding. Thus, counsel is requesting an extension of time in which to file the Reply and Return 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 seven (7) day extension of time to serve and file the Reply to Return to Petition for Writ of Certiorari and the Return to Petition for Writ of Certiorari.

Respectfully Submitted,

ALAN WILSON  
Attorney General

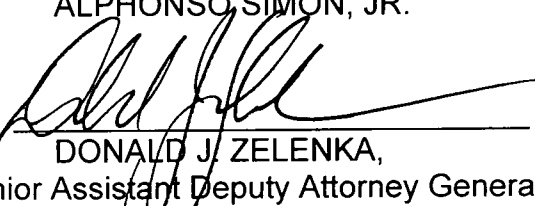
JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

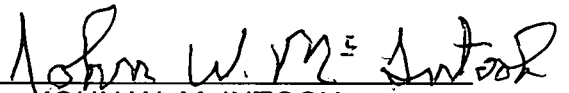
ALPHONSO SIMON, JR.  
Assistant Attorney General  
Bar No. 74713

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.

By:   
JOHN W. McINTOSH  
Chief Deputy Attorney General

January 30, 2015.

ATTORNEYS FOR PETITIONER/RESPONDENT

**STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT**

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Appeal from Horry County  
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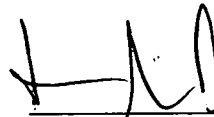
**PROOF OF SERVICE**

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I, Alphonso Simon, Jr. on behalf of counsel for the Petitioner/Respondent, certify that I have served two (2) copies of the within motion for a fourth extension to file the Reply to Return to Petition for Writ of Certiorari and the 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 30<sup>th</sup> day of January, 2015.



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