

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

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

THE STATE,

Appellant,

vs.

WHITLEE JONES,

Respondent.

**MOTION FOR THIRD 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, February 9, 2015, upon this Court's grant of Appellant's second request for an extension filed on January 9, 2015.

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 Tonnie Nathaniel Baldwin, II, #273682 vs. Warden

Leroy Cartledge, C/A No. 8:14-3726-DCN-JDA; Braheim J. Hill, #316768 vs. Warden Cartledge, C/A No. 2:14-3775-BHH-MGB; Christopher M. Vaughn, #339181 vs. Warden Tim Riley, C/A 2:14-4559-TMC-MGB; and Antonio Williams, #300760 vs. Leroy Cartledge Warden, C/A No. 8:14-4344-DCN-JDA, 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, along with the Motion for Summary Judgment, in 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 almost completed the Motion for Summary Judgment, Return and Memorandum of Law in Support of Motion for Summary Judgment in Lawrence Pinckney, #337981 vs. Joseph McFadden (Warden), C/A No. 6:14-4274-MGL-KFM, which will be filed today, February 9, 2015.

Counsel has also reviewed the files and completed a significant amount of work on the Motions for Summary Judgment, Returns 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; Patrick Spigner, #340898 vs. Warden Lieber Correctional Institution, C/A No. 4:14-3570-TMC-TER; 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 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 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 this matter.

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 is also currently preparing the post-hearing brief in this matter which is currently due on February 17, 2015

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 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 completed and filed both the Reply to Return to Petition for Writ of Certiorari and the Return to Respondent-Petitioner's Petition for Writ of Certiorari in Louis Winkler v. State, an appeal in a capital post-conviction relief action pending before this Court.

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,

ALAN WILSON
Attorney General

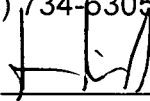
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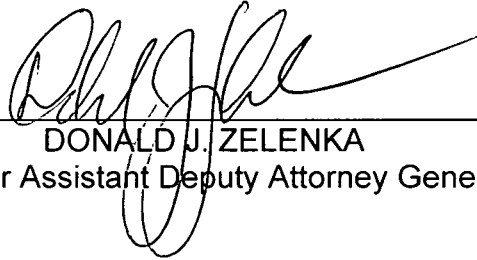
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By:



ALPHONSO SIMON, JR.

By:



DONALD J. ZELENKA

Senior Assistant Deputy Attorney General

I support the finding of good cause.

February 9, 2015.

ATTORNEYS FOR APPELLANT

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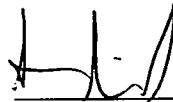
Respondent.

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 third 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 9th day of February, 2015.



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