

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

**RECEIVED**  
MAR 24 2015  
SC Court of Appeals

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Appeal from Chesterfield County  
The Honorable J. Michael Baxley, Circuit Court Judge

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General Sessions Case No. 2011-GS-13-00627;628  
Court of Appeals' Appellate Case No. 2013-000148

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THE STATE,

Petitioner,

vs.

GRAHAM FRANKLIN DOUGLAS,

Respondent.

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**MOTION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI AND APPENDIX**

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The undersigned counsel would respectfully request an eight (8) day extension in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Petition is due today, March 23, 2015, upon the South Carolina Court of Appeals' Order denying Petition for Rehearing dated February 19, 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 Alfred Redwine, #291230 vs. Warden Leroy

Cartledge, C/A No. 2:14-04558-TLW-MGB; Terrell T. Howard, #283888 vs. Warden, Lee Correctional Institution, C/A No. 5:14-4638-JMC-KDW; and Robert Earle Ricketts, #261694 vs. Larry Cartledge, C/A No. 8:14-4865-RMG-JDA; all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel also filed a Response in Opposition to Notice and Motion for Expansion of Record [Docket Entry #45] in Eugene Gary, III, #231045 vs. Leroy Cartledge, MCI Warden, C/A No. 8:14-2551-TMC-JDA; Responses in Opposition to a Motion for a Stay [Docket Entry #23], second Notice and Motion to Expand the Record filed [Docket Entry #21], Motion for a Subpoena [Docket Entry #4], Notice and Motion for Permission to Expansion of the Record [Docket Entry #2], and Motion for Issuance of Subpoena [Docket Entry #33] in the Redwine action;<sup>1</sup> a Response in Opposition to Motion to Grant Relief and Motion for Default Judgment in Shaheen Cabbagestalk, #295567 vs. Warden J. McFadden, C/A No. 5:14-3771-RMG-KDW; Responses in Opposition to Motions for Default Judgment and Motion to Appoint Counsel in Lawrence Pinckney, #337981 vs. Joseph McFadden (Warden), C/A No. 6:14-4274-MGL-KFM; and a Reply to Response in Opposition to Motion for Summary Judgment in Braheim J. Hill, #316768 vs. Warden Cartledge, C/A No. 2:14- 3775-BHH-MGB; all in 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, Returns and Memoranda of Law in Support of Motions for Summary Judgment in this case and in Timothy T. Kinard, #304285 vs. Joseph Battle, Administrator, Abbeville County Detention Center, C/A No. 5:14-4391-

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<sup>1</sup> Counsel also filed a Response to a Motion for Order to Show Cause [Docket Entry #34] filed by the Petitioner in that action.

BHH-KDW; Antonio Barnes, #338781 vs Cecilia Reynolds, C/A No. 5:15-0022-DCN-KDW; Montavis Kentrial Gaines vs. Warden Richard Cothram, C/A No. 5:14-4652-JMC-KDW; Wayne D. Cooper, #331763 vs. Warden Stevenson, Broad River Corr. Inst., C/A No. 9:14-4500-BHH-BM; and Ronald De'Ray Skipper, #138244 vs. Joseph McFadden, Warden, C/A No. 4:14-4061-TLW-TER; all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel also filed a Return and Motion to Dismiss to Amended Application for Post-Conviction Relief and a Reply to Response In Opposition to Motion to Dismiss in Abdiyyah Ben Alkebulanyahh, # 6012, aka Tyree Roberts vs. State of South Carolina, C/A NO. 2014-CP-07-2994, a successive capital post-conviction relief action now pending in the Beaufort County Court of Common Pleas.

Counsel also completed and 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 reviewed significant portions of the transcript and started research in preparation for drafting the Initial Brief of Respondent in State v. Gerald Bernard Haltiwanger, Jr., a direct appeal in a Richland County murder case now pending before the South Carolina Court of Appeals.

Counsel has drafted significant portions of the Petition for Writ of Certiorari in this matter. However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Petition for Writ of Certiorari and Appendix in this proceeding. Thus, counsel is requesting an extension of

time in which to file the Petition for Writ of Certiorari and Appendix in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests an eight (8) day extension of time to serve and file the Petition for Writ of Certiorari and Appendix.

Respectfully Submitted,

ALAN WILSON  
Attorney General

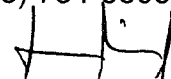
JOHN W. McINTOSH  
Chief Deputy Attorney General

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.

March 23, 2015.

ATTORNEYS FOR PETITIONER

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Chesterfield County  
The Honorable J. Michael Baxley, Circuit Court Judge

SC Court of Appeals

General Sessions Case No. 2011-GS-13-00627;628  
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THE STATE,

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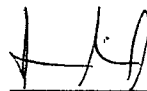
Respondent.

**PROOF OF SERVICE**

I, Alphonso Simon, Jr., of counsel for the Petitioner, certify that I have served two (2) copies of the within motion for an extension of time to file Petition for Writ of Certiorari and Appendix U.S. mail to his attorneys of record, S. Jahue Moore, Sr., Esq., M. Brooks Biediger, Esq., Margaret A. "Meg" Hazel, Esq., 1700 Sunset Blvd., Post Office Box 5709, West Columbia, South Carolina 29171.

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

This 23<sup>rd</sup> day of March, 2015.



ALPHONSO SIMON, JR.  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305



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ALAN WILSON  
ATTORNEY GENERAL

March 23, 2014

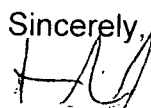
The Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P.O. Box 11330  
Columbia, South Carolina 29211

Re: *State v. Graham Franklin Douglas*  
Appeal from Chesterfield County  
Court of Appeals' Appellate Case No. 2013-000148

Dear Mr. Shearouse:

I hereby request an extension of eight (8) days in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. The Petition for Writ of Certiorari is currently due to be served and filed today, March 23, 2015. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Petition for Writ of Certiorari and Appendix.

Therefore, I am enclosing an original and six (6) copies of a Motion for Extension of Time to File Petition for Writ of Certiorari and Appendix. I have contacted opposing counsel and have obtained consent to this request.

Sincerely,  


Alphonso Simon, Jr.  
Assistant Attorney General

AS:dmd

Enclosures

cc: The Honorable Jenny A. Kitchings, Clerk, South Carolina Court of Appeals  
S. Jahue Moore, Esq.  
M. Brooks Biediger, Esq.  
Margaret A. "Meg" Hazel, Esq.  
The Honorable Ernest A. Finney, III, Solicitor, Third Judicial Circuit  
Trisha Allen, Victim Services



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The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
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