

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

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

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

THE STATE,

Petitioner,

vs.

GRAHAM FRANKLIN DOUGLAS,

Respondent.

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

The undersigned counsel would respectfully request a seven (7) 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 31, 2015, upon the South Carolina Supreme Court's Order granting counsel's first extension dated March 24, 2015.

Counsel makes this request due to his involvement in other matters in both state and federal court within the past thirty days. Specifically, counsel completed and filed the Motions for Summary Judgment, Returns and Memoranda of Law in Support of Motions for Summary Judgment in Robert Earle Ricketts, #261694 vs. Larry Cartledge,

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C/A No. 8:14-4865-RMG-JDA; Antonio Barnes, #338781 vs. Cecilia Cecilia Reynolds, C/A 5:15-0022-DCN-KDW; Timothy T. Kinard, #304285 vs. Joseph Battle, Administrator, Abbeville County Detention Center, C/A No. 5:14-4391-BHH-KDW; and Montavis K. Gaines, #323168 vs. Warden Richard Cothram, C/A No. 5:14-4652-JMC-KDW; 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 Alfred Redwine, #291230 vs. Warden Leroy Cartledge, C/A No. 2:14-04558-TLW-MGB;¹ Responses in Opposition to Motions for Default Judgment and Motions to Appoint Counsel in Lawrence Pinckney, #337981 vs. Joseph McFadden (Warden), C/A No. 6:14-4274-MGL-KFM; a Reply to the Response in Opposition to Motion for Summary Judgment in Braheim J. Hill, #316768 vs. Warden Cartledge, C/A No. 2:14-3775-BHH-MGB; and Responses in Opposition to Motions to Grant Relief and for Default Judgment in Shaheen Cabbagestalk, #295567 vs. Warden J. McFadden, C/A No. 5:14-03771-RMG-KDW; and a Response in Opposition to Motion to Hold in Abeyance in the Gaines case mentioned above; all in federal habeas actions pending in the United States District Court for the District of South Carolina.

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

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 Wayne D. Cooper, #331763 vs. Warden Stevenson, Broad River Corr. Inst., C/A No. 9:14-4500-BHH-BM; Ronald De'Ray Skipper, #138244 vs. Joseph McFadden, Warden, C/A No. 4:14-4061-TLW-TER; Stanley Wise, #233383 vs. Warden John R. Pate, C/A No. 4:14-4625-JMC-TER; and to a lesser extent; Dontavious Mack, #323350 vs. Warden, Perry Correctional Institution, C/A No. 5:15-0309-RBH-KDW; 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 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 the transcript, completed some research, and started drafting the Initial Brief of Respondent in State vs. 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 seven (7) 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
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(803) 734-6305

By:



ALPHONSO SIMON, JR.

March 31, 2015.

ATTORNEYS FOR PETITIONER

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

General Sessions Case No. 2011-GS-13-00627;628
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vs.

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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 second 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 31st day of March, 2015.



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



ALAN WILSON
ATTORNEY GENERAL

March 31, 2014

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

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SC Court of Appeals

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 seven (7) 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 31, 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 Second Extension of Time to File Petition for Writ of Certiorari and Appendix. I have contacted opposing counsel to obtain 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