



ALAN WILSON
ATTORNEY GENERAL

October 7, 2015

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

Re: *State v. Calvin Jermaine Pompey*
Appeal from Marion County
Appellate Case No. 2015-001992

RECEIVED

OCT - 7 2015

S.C. Supreme Court

Dear Mr. Shearouse:

I hereby request an extension of five (5) days in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. The Petition was currently due to be served and filed on Tuesday, October 6, 2015. However, due to the Office of the Attorney General being closed on Monday, October 5, 2015 and Tuesday, October 6, 2015, and due to counsel's involvement in other matters in state and federal court, I have been unable to timely complete the Petition.

Therefore, I am enclosing an original and six (6) copies of a Petition for Second Extension of Time to File Petition for Writ of Certiorari and Appendix. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

Alphonso Simon, Jr.
Assistant Attorney General

AS:dmd

Enclosures

cc: South Carolina Court of Appeals, Attention: Jacklyn (w/copy of encls.)
Robert M. Dudek, Esq. (w/two copies of encls.)
The Honorable E. L. Clements, III, Solicitor, Twelfth Judicial Circuit (w/copy of encls.)
Trisha Allen, Victim Services (w/copy of encls.)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM MARION COUNTY
The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2015-001992

THE STATE

PETITIONER,

V.

CALVIN JERMAINE POMPEY,

RESPONDENT.

RECEIVED

OCT - 7 2015

S.C. Supreme Court

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

The undersigned counsel would respectfully request a five (5) 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:

Petitioner's Petition for Writ of Certiorari was due on Tuesday, October 6, 2015, as per the South Carolina Supreme Court's Order granting Petitioner's extension of time dated September 23, 2015.¹

Counsel makes this request because he has been unable to complete the Petition for Writ of Certiorari in this matter due to his involvement in other matters

¹ The South Carolina Attorney General's Office was closed on Monday, October 5, 2015 and Tuesday, October 6, 2015.

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 to since September 4, 2015. Specifically, counsel completed and filed the Motions for Summary Judgment, Returns, and Memoranda of Law in Support of Motions for Summary Judgment in Isaiah F. Walker v. Warden Reynolds, C/A No. 2:15-02174-SB-MGB; and Terrence Dimingo Terry, #307935 vs. Mr. Leroy Cartledge, Warden of McCormick Correctional Institution, C/A No. 6:10-02006-BHH-KFM; both federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel filed a Response in Opposition to Petitioner's Second Motion to Stay Proceedings Pending Exhaustion of State Remedies, and a Reply to Petitioner's Objection to Report and Recommendation in the matter of Wayne D. Cooper vs. Joseph McFadden, Warden, C/A No. 9:14-4500-BHH-BM; and a Reply to Response in Opposition to Motion for Summary Judgment in the matter of Ikeef Brailsford, #264172 vs. Warden Willie Eagleton, Evans, CI, C/A No.: 6:15-1800-GRA-KFM, both 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 reviewing the files and preparing the Returns and Memoranda of Law in Support of Motions for Summary Judgment in Chas Lamous Smith vs. Bryan P. Stirling, Dir. SC Dept. of Corrections, Cecilia Reynolds, Warden, Lee Correctional Institution, and State of South Carolina, C/A No.: 2:15-2533-HMH-MGB; Princeton Thrower, #300701 v. Robert Stevenson, C/A No. 0:15-1955-JMC-PJG; Jeremy R. Phillips vs. Warden Bernard McKie, C/A No. 5:15-02458-HMH-KDW; Terrance V. Smith, #292962 vs.

Warden Cecilia Reynolds, C/A No. 1:15-2996-DCM-SVH; Darryl T. Cook vs. Warden of Broad River Correctional Institution, C/A No. 0:15-2987-JFA-PJG, and in Christopher B. Anderson, #237423 vs. Warden, Kirkland Correctional Institution, C/A No.: 5:15-2563-HMH-KDW, all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel filed the Record on Appeal in State v. Whitlee Jones, a State's appeal to the grant of immunity under the Protection of Persons and Property Act currently pending before the South Carolina Supreme Court. Counsel has also done a substantial amount of work on the Petition for Writ of Certiorari in State v. Calvin Pompey, in this matter.

Counsel engaged in additional investigation and filed a Second Supplement to Response to Requests for Production of Documents, as per [Docket Entry #78], in Johnny O'Landis Bennett, Jr. vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, Joseph McFadden, Warden of Lieber Correctional Institution, C/A No. 2:13-03191-RMG-MGB on September 11, 2015, a federal habeas action in a Lexington County capital case now pending in the United States District Court for the District of South Carolina. Today, counsel has filed a Third Supplement to Response to Requests for Production of Documents with additional documents.

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 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 a five (5) day extension of time to serve and file the Petition for Writ of Certiorari.

Respectfully submitted,

ALAN WILSON
Attorney General

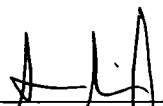
JOHN W. McINTOSH
Chief Deputy Attorney General

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

ATTORNEYS FOR PETITIONER

By:  _____
Alphonso Simon Jr.

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

October 7, 2015.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM MARION COUNTY
The Honorable D. Craig Brown, Circuit Court Judge

Appellate Case No. 2015-001992

THE STATE

PETITIONER,

v.

CALVIN JERMAINE POMPEY,

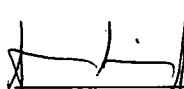
RESPONDENT.

PROOF OF SERVICE

I, Alphonso Simon, Jr. on behalf of counsel for the Petitioner, certify that I have served two (2) copies of the within Petition for Second Extension of Time to File Petition for Writ of Certiorari and Appendix via U.S. mail to his attorney 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 7th day of October, 2015.



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