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**S.C. Supreme Court**

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

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Appeal from Sumter County  
The Honorable Michael G. Nettles, Circuit Court Judge

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Court of Common Pleas Case No. 2008-CP-43-00905  
(Capital PCR Action)  
Appellate Case No. 2013-001968

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BOBBY WAYNE STONE,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

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**PETITION FOR SECOND EXTENSION OF TIME  
TO FILE BRIEF OF RESPONDENT**

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The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Brief is due today, November 23, 2015, upon this Court's grant of Respondent's first request for an extension filed on October 23, 2015. Counsel for Respondent has obtained the consent of Petitioner's counsel to this extension request.

Counsel makes this request because he has been unable to complete the Brief of Respondent 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 October 23, 2015. Specifically, counsel completed and filed the Motions for Summary Judgment, Returns, and Memoranda of Law in Support of Motions for Summary Judgment in Jeremy R. Phillips v. Warden Bernard McKie, C/A No. 5:15-02458-HMH-KDW; Shazjuan Shabazz v. Robert Stevenson, Warden, C/A 2:15-3321-MGL-MGB; and Shane Lemar Moore, #342772 v. Warden of Allendale Correctional Institution, C/A No. 9:15-3385-BHH-BM; all 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 Darryl T. Cook v. Warden of Broad River Correctional Institution, C/A No. 0:15-2987-JFA-PJG; Terrance V. Smith, #292962 v. Warden Cecilia Reynolds, C/A No. 1:15-2996-DCN-SVH; Jonathan M. Campbell, #236007 vs. Warden Reynolds; Alan Wilson; and Karen Ratigan, C/A No. 1:15-3360-MGL-SVH; and Antonio Moultrie, #332073 v. Joseph McFadden, Warden, C/A No. 8:15-3661-HMH-JDA; all federal habeas actions pending in the United States District Court for the District of South Carolina.

Counsel filed the Brief of Petitioner in Louis Michael Winkler, Jr. v. State of South Carolina, Appellate Case No. 2014-000904, an appeal in a capital post-conviction relief action from Horry County pending before this Court. Counsel also filed the Final Brief of Respondent in State v. James Kevin Bethel, a direct appeal in a Richland County murder case now pending before the South Carolina Court of Appeals. Counsel also

spent a significant amount of time reviewing the transcript and researching issues in drafting the Initial Brief of Respondent in State v. Calvert Myers, a direct appeal in another Richland County murder case now pending before the South Carolina Court of Appeals. Counsel also presented oral argument on behalf of the State in State v. Marc Anthony Palmer, a direct appeal in a Williamsburg County murder case pending before the South Carolina Court of Appeals.

Due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Brief of Respondent 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 Brief of Respondent.

Respectfully Submitted,

ALAN WILSON  
Attorney General

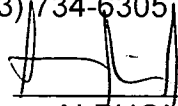
JOHN W. McINTOSH  
Chief Deputy Attorney General

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.

ATTORNEYS FOR PETITIONER

November 23, 2015.

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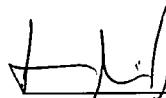
**PROOF OF SERVICE**

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I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within Petition for a second extension of time to file Brief of Respondent via U.S. mail to his attorneys of record, Emily C. Paavola, Esq., Death Penalty Resource and Defense Center, 900 Elmwood Avenue, Ste. #200, Columbia, South Carolina 29201, and to John H. Blume, III, Esq., Blume, Norris & Franklin-Best, LLC, 900 Elmwood Avenue, Suite 200, Columbia, South Carolina 29201

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

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



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