

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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 DEC 23 2015
(Capital PCR Action)

Appellate Case No. 2013-001968

S.C. Supreme Court

BOBBY WAYNE STONE,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

PETITION FOR THIRD EXTENSION OF TIME
TO FILE BRIEF OF RESPONDENT

The undersigned counsel would respectfully request a six (6) 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, December 23, 2015, upon this Court's grant of Respondent's second request for an extension filed on November 24, 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 November 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 Shane Lemar Moore, #342772 v. Warden of Allendale Correctional Institution, C/A No. 9:15-3385-BHH-BM; Darryl T. Cook v. Warden of Broad River Correctional Institution, C/A No. 0:15-2987-JFA-PJG; Antonio Moultrie, #332073 v. Joseph McFadden, Warden, C/A No. 8:15-3661-HMH-JDA; Terrance V. Smith, #292962 vs. Warden Cecilia Reynolds, C/A No. 1:15-2996-DCM-SVH; Donald Scott Jones, #336980 vs. Joseph McFadden, Warden, C/A 4:15-4004-BHH-TER; and Perry Keith Strickland, #236435 vs. Warden, Tyger River Correctional Institution, C/A No. 4:15-3701-HMH-TER all federal habeas actions pending in the United States District Court for the District of South Carolina. Counsel also filed a Reply to Response in Opposition to Motion for Summary Judgment in the matter of Shazjuan Sadiq Shabazz, #196841 vs. Robert Stevenson, Warden, C/A No. 2:15-3321-MGL-MGB, another federal habeas action 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 Return and Memorandum of Law in Support of Motion for Summary Judgment in Jonathan M. Campbell, #236007 vs. Warden Reynolds; Alan Wilson; and Karen Ratigan, C/A No. 1:15-3360-MGL-SVH; another federal habeas action pending in the United States District Court for the District of South Carolina. Counsel also filed the

Brief of Petitioner in State vs. Graham Franklin Douglas, a State's appeal to a grant of immunity under the Protection of Persons and Property Act from Chesterfield County now pending before this Court.

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

Counsel has nearly completed the Brief of Respondent in this case. However, 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 six (6) day extension of time to serve and file the Brief of Respondent.

Respectfully Submitted,

ALAN WILSON
Attorney General

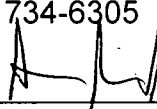
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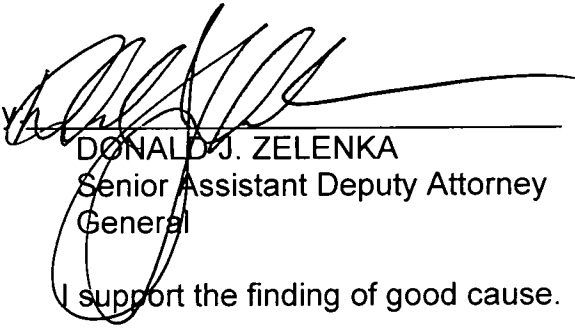
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By:



ALPHONSO SIMON, JR.

By:



DONALD J. ZELENKA
Senior Assistant Deputy Attorney
General

I support the finding of good cause.

ATTORNEYS FOR RESPONDENT

December 23, 2015.

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PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within Petition for a third 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 23rd day of December, 2015.



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