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SC SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM Horry COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

Case No. 2011-CP-01-110
Appellate Case No. 2014-000904
CAPITAL CASE

Louis Michael Winkler Jr., Respondent
v.
State of South Carolina, Petitioner

**RESPONDENT'S SECOND MOTION
FOR EXTENSION OF TIME TO FILE
BRIEF OF RESPONDENT**

Respondent, Louis Winkler, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for 30 days to file the Respondent's Brief presently due for filing on January 8, 2016. The reasons for this motion are as follows:

1. Petitioner served and filed the Brief of Petitioner on November 9, 2015, making Respondent's Brief initially due on December 9, 2015. This Court granted Respondent's first request for a thirty-day extension of time. Respondent has begun work on the Brief, but requires additional time due to a heavy caseload and the complex nature of this matter.

2. In the past thirty days, Mr. Mills has been working *Christeson v. Roper*, a capital federal habeas corpus case pending before the Western District of Missouri. Mr. Christeson's Brief has already been extended twice and is currently due on January 11, 2016. Mr. Mills has also been conducting investigation and case preparations for *State v. Rose*, an Arizona capital post-conviction relief proceeding, including the filing of a substantial Brief due on January 15, 2016. He has also had substantial obligations related to strict deadlines in *State v. Collins* and *State v. Steele*, cases pending before the North Carolina Court of Appeals.

3. In the past thirty days, Ms. Paavola spent a significant amount of time preparing for an evidentiary hearing in *Bell v. South Carolina*, a capital post-conviction relief matter, which was scheduled to take place on December 29, 2015, until it was cancelled shortly before the hearing date. Moreover, Ms. Paavola has been preparing to file the Petitioner's Opening Brief in *Alkebulanyahh v. Byars*, a capital habeas action pending in the United States Court of Appeals for the Fourth Circuit, and preparing and indexing the appendix for that proceeding, which is over 6,700 pages in length. Ms. Paavola has also spent some time conducting research related to an upcoming hearing on January 13, 2016, in *Wood v. South Carolina*, also a capital post-conviction relief proceeding.

4. Finally, Mr. Winkler's case concerns complex factual and legal issues that require thorough record review, research and analysis. Undersigned counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

5. Undersigned counsel contacted counsel for Petitioner, Alphonso Simon, Jr., who indicated that the State consents to this motion.

THEREFORE, for the reasons stated above, Respondent respectfully submits that an extension of time is warranted for good cause and requests thirty days, thus making the Brief of Respondent due on February 7, 2016.

Respectfully submitted,

JOHN R. MILLS

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By: *Emily C. Paavola*
Counsel for Respondent

January 5, 2016

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Benjamin H. Culbertson, Circuit Court Judge

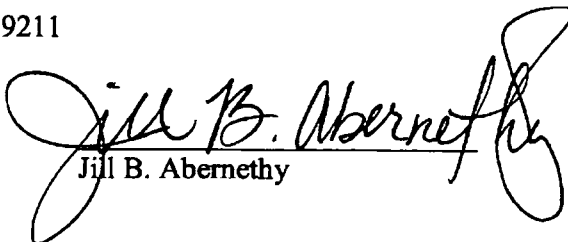
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Respondent's Second Motion for Extension of Time was served by first class United States mail, postage prepaid, this 5th day of January, 2016, upon the following:

Alphonso Simon
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211


Jill B. Abernethy