

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2012-212107

Jonathan Kyle Binney, #6009, Petitioner/Respondent,

v.

State of South Carolina, Respondent/Petitioner.

**PETITION/RESPONDENT'S MOTION FOR
EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

Petitioner-Respondent, Jonathan Binney, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for 30 days to file the Petition for Writ of Certiorari and the Appendix presently due for filing on October 10, 2012. The reasons for this motion are as follows:

1. Undersigned counsel has begun work on the Petition and has collected a substantial amount of the material needed for the Appendix. Several items for the Appendix, however, are not in counsel's possession and have been requested from the Division of Appellate Defense. These items have not yet been received, and, therefore, the Appendix has not yet been sent for printing. Counsel anticipates that the Appendix will be prepared as soon as possible after all of the necessary

RECEIVED
OCT 11 2012
S.C. SUPREME COURT

items have been received.

2. Furthermore, Mr. Binney's case concerns complex factual and legal issues that require thorough record review, research and analysis. Over the past two months, undersigned counsel has completed post-hearing briefing in another capital post-conviction case, *Simmons v. South Carolina*, 05-CP-18-1368, and begun post-hearing briefing in another capital post-conviction case, *Stone v. South Carolina*, 08-CP-43-905, in addition to other responsibilities. Thus, although counsel has begun drafting the Petition in this case, it is not yet complete. Counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

THEREFORE, for the reasons stated above, petitioner respectfully submits that an extension of time is warranted for good cause and requests thirty days, thus making the Petition for Writ of Certiorari due on November 9, 2012.

Respectfully submitted,

EMILY C. PAAVOLA
Death Penalty Resource & Defense Center
900 Elmwood Avenue
Suite 101
Columbia, SC 29201
(803) 765-1044

BY: 
COUNSEL FOR PETITIONER

October 9, 2012

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2012-212107

Jonathan Kyle Binney, #6009, Petitioner/Respondent,

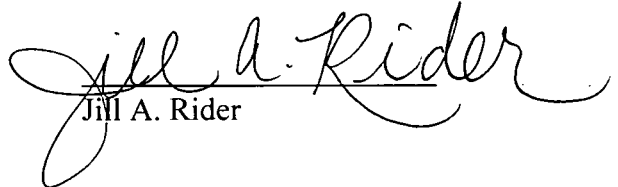
v.

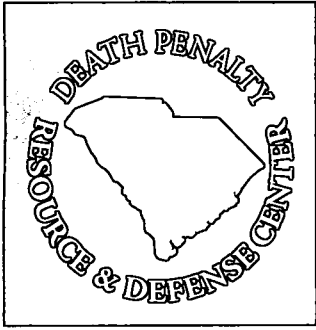
State of South Carolina, Respondent/Petitioner.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of Petition/Respondent's Motion for Extension of Time to File Petition for Writ of Certiorari was mailed today by first class United States mail, postage prepaid, this 9th day of October, 2012, upon the following:

William Edgar Salter, III
Senior Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211


Jill A. Rider



October 9, 2012

RECEIVED

OCT 11 2012

S.C. SUPREME COURT

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

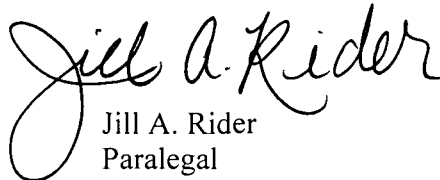
Re: *Binney v. State*

Dear Mr. Shearouse:

Please find enclosed for filing, with proof of service, the original and one copy, of the Petitioner/Respondent's Motion For Extension of Time in the above-referenced case. Please clock in the extra copy and return it to me in the enclosed self-addressed stamped envelope.

If you should have any questions, please do not hesitate to contact me.

Sincerely,


Jill A. Rider
Paralegal

cc: William Edgar Salter, III