

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
Honorable Roger L. Couch, Circuit Court Judge
Appellate Case No.: 2011-198472

RECEIVED

OCT 17 2012

RICHARD BERNARD MOORE,

S.C. Supreme Court

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

PETITION FOR THIRD EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. This is Respondent's third extension request. Respondent's Return is due to be served and filed today, October 17, 2012, this Court having granted Respondent's first request for an extension filed on September 18, 2012.

The South Carolina Supreme Court's *Order Re Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings* provides, in pertinent part, that: "(3) [a] third extension may be granted upon a showing of good cause. The facts supporting the good cause shall be set forth in the motion. If filed by the Division of Appellate Defense or the Office of the Attorney General, the motion shall be signed by the attorney involved and his or her immediate supervisor. If filed by a private lawyer, the motion shall be signed by the attorney involved and, if

lawyer is not a sole practitioner, by another member of the firm. The signatures on the motion shall be a certification by these attorneys that they believe that the extension is warranted and that there is good cause to seek the extension.” Respondent has been scheduled for a number of state and federal matters in the last thirty-six (36) days, that include, but are not limited to, the following:

1. Counsel has spent a significant amount of time assisting in the Lexington County Capital Post-Conviction Relief matter of *The State vs. Norman Starnes*. Specifically, reviewing emails in preparation for the proposed Order memorializing the arguments which took place before the Honorable Alexander S. Macaulay on September 11, 2012. Counsel represented the Respondent in the PCR action in the September 11, 2012 hearing. Counsel prepared for and represented the State at oral argument before the South Carolina Court of Appeals in the Charleston County murder appeal matter of *The State vs. Kendrick Taylor*, also on September 11, 2012;

2. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Alfred T. Walker, #307941 vs. Warden Leroy Cartledge, C/A No.: 6:12-1450-TLW-KFM* on September 17, 2012;

3. Counsel prepared Respondent’s Response Opposing Motion for Hearing in the matter of *Detrick Freeman, #328569 vs. Warden, Broad River C.I., C/A No.: 1:12-1105-CMC-SVH* on September 24, 2012;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Terrance Adams, #229165 vs. Robert M. Stevenson, III, Warden, Broad River Corr. Inst., C/A No.: 3:12-1482-JFA-JRM* on September 26, 2012;

5. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Curtis Jerome Mitchell, #301495 vs. Ms. Cecelia Reynolds, Warden Kershaw Corr. Inst., C/A No.: 0:12-01501-CMC-PJG* on September 27, 2012;

6. Counsel prepared the Final Brief of Respondent in the matter of *The State vs. Christopher Watson*, a Kershaw County murder case on October 9, 2012;

7. Counsel prepared Respondent's Response Opposing Motion for Miscellaneous Relief [Doc. #56] in the matter of *Jody Lynn Ward, #300644 vs. Warden, Lieber C.I.*, C/A No.: 0:11-3277-RBH-PJG on October 15, 2012;

8. Counsel prepared Respondent's Response Opposing motion to Compel Discovery [Doc. #20] in this matter on September 17, 2012, together with Respondent's Response to Motion to Dismiss [Doc. #31] on October 15, 2012; and

9. Counsel prepared for and represented Respondent at oral argument today, October 17, 2012 before the South Carolina Supreme Court in the matter of *The State vs. Gene Tony Cooper, Jr.*, a Lexington County direct appeal matter.

I am informing opposing counsel of my request by service of two copies of this Petition. The thirty (30) day extension requested will make the Return to Petition for Writ of Certiorari due on November 16, 2012. I understand the desire of the Court and Petitioner's counsel for a speedy resolution of this case, but I reasonably believe this extension is essential to allow me to complete the Return to Petition for Writ of Certiorari with reasonable effectiveness.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

WILLIAM EDGAR SALTER, III,
Senior Assistant Attorney General

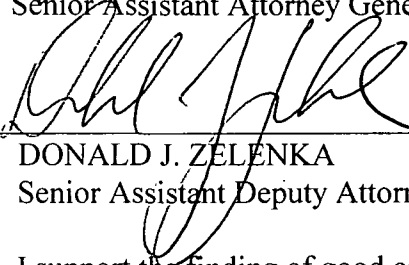
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(803) 734-6305

BY:



WILLIAM EDGAR SALTER, III,
Senior Assistant Attorney General

BY:



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

I support the finding of good cause.

October 17, 2012.

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Spartanburg County
Honorable Roger L. Couch, Circuit Court Judge
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S.C. Supreme Court

RICHARD BERNARD MOORE,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

PROOF OF SERVICE

I, William Edgar Salter, III, do hereby certify that on this date, I served the *Petition for Third Extension of Time to File Return to Petition for Writ of Certiorari* in the foregoing action on counsel for the Petitioner by depositing two (2) copies of the same in the United States mail, first-class, postage prepaid, and addressed as follows:

Robert M. Dudek, Esq.
SCCID-Division of Appellate Defense
1330 Lady St., Ste. # 401
Columbia, SC 29201-3332

This 17th day of October, 2012.

By: 

ATTORNEYS FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

October 17, 2012

RECEIVED

OCT 17 2012

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

S.C. Supreme Court

Re: *Third* Extension Request
Richard Bernard Moore vs. State
Appellate Case No.: 2011-198472

Dear Mr. Shearouse:

I hereby request an extension of thirty (30) days in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. The Return is currently due to be served and filed today, October 17, 2012. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Return.

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

Sincerely,

William Edgar Salter, III
Senior Assistant Attorney General

WES:dmd

Enclosures

cc: Robert M. Dudek, Esq. (w/two (2) copies of encls.)