

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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OCT 17 2016

Appeal from Dorchester County  
James E. Lockemy, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2012-213468

MARION BOWMAN,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION FOR EXTENSION OF TIME TO FILE  
BRIEF OF RESPONDENT**

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, October 17, 2016, pursuant to this Court's October 10, 2016 Order RE: Hurricane Matthew.<sup>1</sup>

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since September 16, 2016. Specifically, counsel filed a Response to Motion to Amend Petition for Writ of Habeas Corpus in Damien O. Johnson, #305511 vs. Warden, Livesay Correctional Institution, C/A No. 5:15-02059-

<sup>1</sup> The Brief of Respondent was initially due Friday, October 7, 2016, upon this Court's grant of Respondent's first request for an extension filed on September 8, 2016.

MBS-KDW, a federal habeas action pending before the United States District Court for the District of South Carolina.

Counsel filed the Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment in Claude Dunagin, #339745 vs. Warden of Livesay Correctional Institution, C/A No. 0:16-1761-PMD-PJG; and counsel has reviewed the files and has nearly completed the Return and Memorandum of Law in support of Motion for Summary Judgment in Jaleel Vaughn Page, #309433 vs. Warden Dunlap, C/A No. 0:16-2131-CMC-PJG, both federal habeas actions pending in the United States District Court for the District of South Carolina.

On September 20, 2016 presented oral argument on behalf of the State before the United States Court of Appeals for the Fourth Circuit in Nicanor Perez Rodriguez, #337563 vs. Dennis Bush, Case No. 14-7297; and in Ronald Donald Dingle, #200958 vs. Warden Robert Stevenson, Case No. 15-6832, both federal habeas actions now pending in the United States Court of Appeals for the Fourth Circuit. Counsel spent a significant amount of time in the two weeks prior preparing for the arguments.

Counsel is also currently preparing for oral argument in the United States Court of Appeals for the Fourth Circuit in Johnny Bennett, #5023 vs. Bryan P. Stirling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, Case No. 16-3, a federal habeas action in a capital case that is now pending in the United States Court of Appeals for the Fourth Circuit. The argument in Bennett is set to be heard later this month. Counsel has also done some work in preparing the Return to Amended Application for Post-Conviction

Relief in Norman Starnes vs. State, a capital post-conviction relief action pending in the Lexington County Court of Common Pleas.

Counsel has done a significant amount of work preparing the Brief of Respondent in this matter. 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. 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,

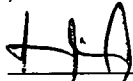
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By:   
ALPHONSO SIMON, JR.  
ATTORNEYS FOR RESPONDENT

October 17, 2016.

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Appeal from Dorchester County  
James E. Lockemy, Circuit Court Judge

Appellate Case No. 2012-2134

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MARION BOWMAN,

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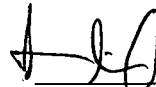
PROOF OF SERVICE

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I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension of time to file the Brief of Respondent via U.S. mail to his attorneys of record, Robert M. Dudek, Esquire, David Alexander, Esquire, both with SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332; and Michael J. Anzelmo, Esq., Nelson, Mullins, Riley & Scarborough, LLP, P.O. Box 11070, Columbia, South Carolina 29211.

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

This 17<sup>th</sup> day of October, 2016.



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