

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

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NOV - 9 2012

J. Michael Baxley, Circuit Court Judge

S.C. Supreme Court

Case No.2012-212107

Jonathan Kyle Binney, #6009, Petitioner/Respondent,

v.

State of South Carolina, Respondent/Petitioner.

**PETITIONER/RESPONDENT'S THIRD 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 a two-week extension of time to file the Petition for Writ of Certiorari and the Appendix presently due for filing on November 9, 2012. The reasons for this motion are as follows:

1. Undersigned counsel has essentially completed the Petition for Writ of Certiorari. Several items necessary for the Appendix, however, were not in counsel's possession and were requested from the Division of Appellate Defense over one month ago. ADO produced these final items yesterday. Therefore, counsel is now in the process of finalizing the Appendix and preparing it for printing.

2. Counsel anticipates that a short, two-week extension of time will be reasonably necessary to obtain the completed Appendix and finalize the Petition with appropriate page citations. This request is not intended for the purposes of delay.

THEREFORE, for the reasons stated above, petitioner respectfully submits that an extension of time is warranted for good cause and requests two weeks, thus making the Petition for Writ of Certiorari due on or before Monday, November 26, 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

November 7, 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,

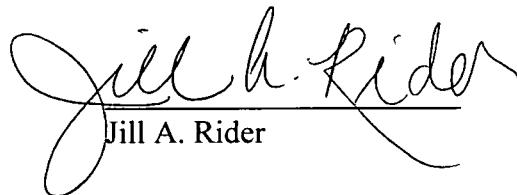
v.

State of South Carolina, Respondent/Petitioner.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of Petition/Respondent's Third Motion for Extension of Time to File Petition for Writ of Certiorari was mailed today by first class United States mail, postage prepaid, this 7th day of November, 2012, upon the following:

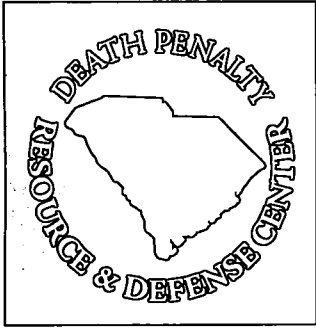
William Edgar Salter, III
Senior Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211


Jill A. Rider

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S.C. Supreme Court



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S.C. Supreme Court

November 7, 2012

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

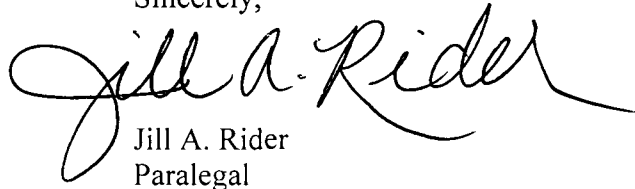
Re: *Binney v. State*

Dear Mr. Shearouse:

Please find enclosed for filing, with proof of service, the original and one copy, of the Petitioner/Respondent's Third 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