

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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

Appellate Case No. 2012-213468

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S.C. SUPREME COURT

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, November 16, 2016, this Court having granted Respondent's second request for an extension filed on October 18, 2016.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since October 17, 2016. Specifically, counsel filed a Response in Opposition to Motion for Amendment Memorandum Concerning Above Case in Rufus Julius Cornelius Anderson, #165323 / 0617 vs. Director of Greenville County Detention Center; State of South Carolina, C/A No. 8:15-4916-MGL, a federal

habeas action pending before the United States District Court for the District of South Carolina. Counsel filed Respondent's Reply to Response in Opposition to Motion for Summary Judgment, a Response in Opposition to Motion to Strike, and a Response in Opposition to Motion for Discovery in the matter of Damien O. Johnson, #305511 vs. Warden, Livesay Correctional Institution, C/A No. 5:15-02059-MBS-KDW. Counsel also filed a Response in Opposition to Petitioner's Motion for Summary Judgment in the matter of Claude Dunagin, #339745 vs. Warden of Livesay Correctional Institution, C/A No. 0:16-1761-PMD-PJG, all federal habeas actions pending before the United States District Court for the District of South Carolina.

Counsel filed the Motions for Summary Judgment and Return and Memoranda of Law in Support of Motions for Summary Judgment in Jaleel Vaughn Page, #309433 vs. Warden Dunlap, C/A No. 0:16-2131-CMC-PJG; and in Asherdon Fari Holloway, #349764 vs. Warden Stevenson or Warden of Broad River Correctional Institution, C/A No. 8:16-3023-JMC-JDA, both federal habeas actions pending before the United States District Court for the District of South Carolina.

On October 25, 2016 counsel presented oral argument on behalf of the State before the United States Court of Appeals for the Fourth Circuit in the matter of 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. Counsel spent a significant amount of time preparing for the argument.

Counsel has also spent a significant amount of time preparing the Return to Second 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,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
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By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

By: 
DONALD J. ZELENKA
Senior Assistant/Deputy Attorney General
I support the finding of good cause.

November 16, 2016.

STATE OF SOUTH CAROLINA
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Appeal from Dorchester County
James E. Lockemy, Circuit Court Judge

Appellate Case No. 2012-2134

MARION BOWMAN,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

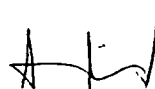
Respondent.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third 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 16th day of November, 2016.



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