

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
The Honorable Maité Murphy, Circuit Court Judge

Appellate Case No. 2017-001607

RECEIVED

AUG 07 2017

S.C. SUPREME COURT

THE STATE

PETITIONER/RESPONDENT,

V.

SHANNON SCOTT,

RESPONDENT/PETITIONER.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
PETITON FOR WRIT OF CERTIORARI AND APPENDIX**

The undersigned counsel would respectfully request an additional ten (10) day extension in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Petitioner/Respondent's Petition for Writ of Certiorari and Appendix is due today, August 7, 2017, pursuant to this Court's Order dated July 28, 2017.

The undersigned attorney for the Petitioner/Respondent has had a number of state and federal matters to attend since July 7, 2017. Specifically, counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in Alan Duane Rose, #313915 vs. Warden Larry Cartledge, C/A No. 5:16-3394-BHH-KDW, a

federal habeas action pending in the United States District Court for the District of South Carolina. Counsel also filed a Response in Opposition to the Motion to Vacate the Case in its Entirety Based Upon Charges Already Dismissed in Henry J. Galloway, #236967 vs. Warden David Dunlap, C/A No. 5:17-00878-MGL-KDW, another federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel filed the Final Brief of Respondent in State v. Sylvester Keejuan King, Appellate Case No. 2015-002541, a direct appeal in a Greenville County murder case now pending before the South Carolina Court of Appeals.

Counsel also prepared and filed the State's Brief in Opposition in Louis M. Winkler v. State of South Carolina, No. 16-9613, an appeal in an Horry County capital post-conviction relief action now pending in the United States Supreme Court.

Counsel also reviewed the files, prepared and filed the Returns to the Applications for Post-Conviction Relief in Vincent Eric Bookhart, #357978 vs. State of South Carolina, and Chad Stephen Hayes, #360913 vs. State of South Carolina, and the Return to Amended Application for Post-Conviction Relief in Kevin Mercer, #6021 vs. State of South Carolina, all post-conviction relief actions pending in Lexington County. Counsel has also spent a significant amount of time during the past week preparing for evidentiary hearings in post-conviction relief actions in the Eleventh Judicial Circuit being heard the week of August 7, 2017.

Counsel also spent a significant amount of time reviewing the files and preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in Kendall Baccus, #355137 vs. Willie Eagleton, C/A No. 2:17-1334-BHH-MGB, a federal

habeas action pending in the United States District Court for the District of South Carolina. Counsel has also done a significant amount of work preparing the Petition for Writ of Certiorari and Appendix 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 Petition for Writ of Certiorari in this proceeding. Thus, counsel is requesting an extension of time in which to file the Petition for Writ of Certiorari and Appendix. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a ten (10) day extension of time to serve and file the Petition for Writ of Certiorari and Appendix.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
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By: 
ALPHONSO SIMON, JR.

ATTORNEYS FOR PETITIONER- RESPONDENT

August 7, 2017.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
The Honorable Maité Murphy, Circuit Court Judge

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THE STATE

PETITIONER/RESPONDENT,

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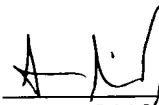
RESPONDENT/PETITIONER.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Petitioner/Respondent, certify that I have served two (2) copies of the within Motion for a Second Extension of Time to File the Petition for Writ of Certiorari and Appendix via U.S. mail to his attorney of record, Robert Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201.

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

This 7th day of August, 2017.



ALPHONSO SIMON, JR.
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Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

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S.C. SUPREME COURT

August 7, 2017

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

Re: *The State v. Shannon Scott*
Appeal from Richland County
Appellate Case No. 2017-001607

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the Petitioner/Respondent's Second Extension of Time to File Petition for Writ of Certiorari and Appendix, together with Proof of Service, in the above-referenced matter. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,

Alphonso Simon, Jr.
Assistant Attorney General

AS:dmd

Enclosures

cc: South Carolina Court of Appeals, Attn: Jacklyn
Robert M. Dudek, Esq.
April Sampson, Esq., Assistant Solicitor, Fifth Judicial Circuit
Trisha Allen, Victim Advocacy Division