

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

AUG 17 2017

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

S.C. SUPREME COURT

Appellate Case No. 2017-001607

THE STATE

PETITIONER/RESPONDENT,

V.

SHANNON SCOTT,

RESPONDENT/PETITIONER.

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request an additional five (5) day extension in which to file the Petition for Writ of Certiorari 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 17, 2017, pursuant to this Court's Order dated August 8, 2017.

The undersigned attorney for the Petitioner/Respondent has had a number of state and federal matters to attend since July 18, 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 filed the Respondent's Status Report in Bobby Wayne Stone vs. Bryan P. Sitrling, Commissioner, South Carolina Department of Corrections, and Joseph McFadden, Warden, Lieber Correctional Institution, C/A No. 2:17-01221-MGL-MGB, a Sumter County capital matter now pending in the United States District Court for the District of South Carolina.

Counsel also reviewed the files, prepared and filed the Return to the Application for Post-Conviction Relief in 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, both post-conviction relief actions pending in Lexington County. Counsel has also spent a significant amount of time preparing for evidentiary hearings in post-conviction relief actions in the Eleventh Judicial Circuit which were 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 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. This request is made in good faith, and not for the purposes of delay. To date, counsel has requested and received extensions totaling fifteen (15) days to file a petition for writ of certiorari. This is a request for a final five (5) day extension.

WHEREFORE, premises considered, counsel hereby respectfully requests a five (5) day extension of time to serve and file the Petition for Writ of Certiorari.

Respectfully Submitted,

ALAN WILSON
Attorney General

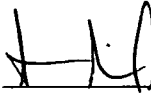
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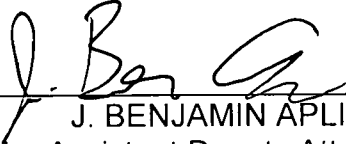
By:



ALPHONSO SIMON, JR.

ATTORNEYS FOR PETITIONER- RESPONDENT

By:



J. BENJAMIN APLIN

Senior Assistant Deputy Attorney General
on behalf of Melody J. Brown,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

August 17, 2017.

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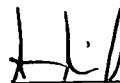
RESPONDENT/PETITIONER.

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 Third Extension of Time to File the Petition for Writ of Certiorari 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 17th day of August, 2017.



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