



ALAN WILSON
ATTORNEY GENERAL

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DEC 18 2017
S.C. SUPREME COURT

December 13, 2017

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

Re: *Lance Austin Williams, #345477 vs. State of South Carolina*
Appeal from Lexington County
Appellate Case No. 2017-001877

Dear Mr. Shearouse:

I hereby request an extension of eight (8) days in which to file the Petition for Writ of Certiorari and Appendix in the above-referenced case. The Petition is currently due to be served and filed today, December 13, 2017. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Petition for Writ of Certiorari.

Therefore, I am enclosing an original and six (6) copies of a Motion for Third Extension of Time to File Petition for Writ of Certiorari and Appendix. I attempted to contact opposing counsel regarding this motion by telephone this afternoon, but I was unable to speak with counsel. Petitioner does anticipate that Respondent objects to this motion.

Sincerely,

Alphonso Simon, Jr.
Assistant Attorney General

AS/dmd
Enclosures

cc: Richard A. Harpootlian, Esq.
Christopher P. Kenney, Esq.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Lexington County
The Honorable Eugene C. Griffith, Jr., Post-Conviction Relief Judge

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Appellate Case No. 2017-001877
Circuit Court Case No. 2014-CP-32-04769

S.C. SUPREME COURT

LANCE AUSTIN WILLIAMS, #345477,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

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

The undersigned counsel would respectfully request an additional eight (8) 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's Petition for Writ of Certiorari and Appendix is due today, December 13, 2017, pursuant to this Court's Order dated November 14, 2017.

The undersigned attorney for Petitioner has had a number of state and federal matters to attend since November 13, 2017. Specifically, Counsel filed the State of South Carolina's Brief in Opposition in Maurice Shaundell Hope vs. Larry Cartledge, Warden, Case No. 17-417, an appeal in a federal habeas action now pending in the United States Supreme Court. Counsel also filed in this Court the Respondent's Return

to Motion for Stay of Execution in State of South Carolina vs. Bobby Wayne Stone, Appellate Case No. 1997-004151, a Sumter County capital murder case.

Counsel also separately prepared and filed a Status Report, a Response to Motion for Stay of Execution, and a Supplement Brief Regarding Statute of Limitations in Bobby Wayne Stone vs. Bryan Stirling, et al., C/A No. 2:17-1221-MGL-MGB, the federal habeas action pending in the United States District Court for the District of South Carolina regarding the above-referenced Sumter County capital murder case.

Counsel also prepared and filed a Response in Opposition to Motion for Appointment of Counsel, and a Response in Opposition to Motion for Summary Judgment in Tyron C. Wade, #284384 vs. Warden Riley, C/A No. 6:17-92-JFA-KFM, a federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel also 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 pending in the South Carolina Court of Appeals.

Counsel also prepared and filed the Return in Donald Allan Bude, #284895 vs. State of South Carolina, C/A No. 2017-CP-32-3192; and Return and Motion for More Definite Statement in Mark W.G. Broom, #370170 vs. State of South Carolina, C/A No.2017-CP-32-3594, both post-conviction relief actions pending in Lexington County. Counsel has also spent a significant amount of time during the past week preparing for evidentiary and motions hearings in post-conviction relief actions in the Eleventh Judicial Circuit being heard the week of December 11, 2017. Some of those hearings

were heard yesterday, December 12, 2017. The rest are being heard today, December 13, 2017, and tomorrow, December 14, 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 Toryast J. Johnson, #256772 vs. Warden Dennis Bush, C/A No. 2:17-2339-PMD-MGB, a federal habeas action pending in the United States District Court for the District of South Carolina. Counsel has also spent some time reviewing the files and working on the Return and Memorandum of Law in Support of Motion for Summary Judgment in James N. Bryant, III vs. Bryan Stirling, et al., C/A No. 1:13-2665-BHH-SVH, a federal habeas action in a capital case pending in the United States District Court for the District of South Carolina.

Counsel has also done a significant amount of work on 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 a brief 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 eight (8) 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
Bar No. 74713
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR PETITIONER- RESPONDENT

By: 

Melody J. Brown,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

December 13, 2017.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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The Honorable Eugene C. Griffith, Jr., Post-Conviction Relief Judge

S.C. SUPREME COURT

Appellate Case No. 2017-001877
Circuit Court Case No. 2014-CP-32-04769

LANCE AUSTIN WILLIAMS, #345477,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

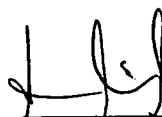
PETITIONER.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Petitioner, certify that I have served two (2) copies of the within Motion for Third Extension of Time to File the Petition for Writ of Certiorari and Appendix via U.S. mail to his attorneys of record, Richard A. Harpootlian, Esq. and Christopher P. Kenney, Esq., P.O. Box 1090, Columbia, South Carolina 29202

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

This 13th day of December, 2017.



ALPHONSO SIMON, JR.
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