

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SUMTER COUNTY
The Honorable George C. James, Jr., Circuit Court Judge

Appellate Case No. 2015-002443

RECEIVED

SEP 04 2018

S.C. SUPREME COUR

THE STATE

RESPONDENT,

V.

RODNEY R. GREEN,

PETITIONER.

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
RETURN TO PETITION FOR WRIT OF CERTIORARI**

The undersigned counsel would respectfully request an additional five (5) day extension in which to file the Return to Petition for Writ of Certiorari in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Return is due today, Tuesday, September 4, 2018, pursuant to this Court's Order dated August 22, 2018. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since August 22, 2018. Specifically, counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in Martina Putnam, #334375 vs. Warden Yeldell, C/A No. 2:18-1094-RMG-MGB, a federal habeas action pending in the United States District Court for

the District of South Carolina. Counsel also filed the Respondent's Reply to Response to Motion for Summary Judgment in Curtis Nealey, #337988 vs. Warden Dennis Bush, C/A No. 9:17-3066-DCN-BM, another 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 Return and Memorandum of Law in Support of Motion for Summary Judgment in Steven Spagnoli, #350895 vs. Warden of Perry Correctional Institution, C/A No. 0:18-1155-RBH-PJG, a federal habeas action pending in the United States District Court for the District of South Carolina.

Counsel filed the Return to the Amended Application for Post-Conviction Relief in Bobby Wayne Stone v. State, a post-conviction relief action in a Sumter County capital murder case pending in the Sumter County Court of Common Pleas. Counsel also filed the Respondents' Response in Opposition to Motion for Stay pending Exhaustion of State Court Remedies in Stone v. Stirling, et al., C/A No. 2:17-01221-MGL-MGB, a federal habeas action pending in the United States District Court for the District of South Carolina challenging the same convictions and death sentence challenged in the pending successive post-conviction relief action.

Counsel also spent a significant amount of time drafting the Initial Brief of Respondent in State vs. Christian Anthony Himes, Appellate Case No. 2017-000870, a direct appeal in a Dorchester County murder case now pending in the South Carolina Court of Appeals.

Counsel is also completing for filing the Returns to Applications for Post-Conviction Relief in Sylvester Keejuan King vs. State, 2018-CP-23-3013 (a PCR in a Greenville County murder case); and Calvert Myers vs. State, 2018-CP-40-3490 (a

PCR in a Richland County murder case). Both returns are being filed today, September 4, 2018.

Counsel was also out of the office for three days during this period attending to a family medical situation.

Counsel has completed a significant amount of work on the return to petition for writ of certiorari in this case. However, due to counsel's involvement in these and other matters in state and federal court, counsel has not been able to complete the Return to Petition for Writ of Certiorari in this action. This request is made in good faith, and not for the purposes of delay. Thus, counsel respectfully requests a five (5) day extension of time to allow counsel to complete the Return to Petition for Writ of Certiorari.

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

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
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By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

September 4, 2018.

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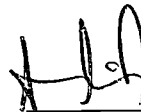
PETITIONER.

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 Second Extension of Time to File the Return to Petition for Writ of Certiorari via U.S. mail to his attorney of record, Susan B. Hackett, 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 4th day of September, 2018.



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