

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

THE STATE

RESPONDENT,

V.

RODNEY R. GREEN,

PETITIONER.

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

The undersigned counsel would respectfully request a final 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, Monday, September 10, 2018, pursuant to this Court's Order dated September 5, 2018. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since September 5, 2018. Specifically, counsel filed the Return to Application for Post-Conviction Relief in Sylvester Keejuan King vs. State, 2018-CP-23-3013 (a PCR in a Greenville County murder case). Counsel also completed the Motion for Summary Judgment and the Return and Memorandum of Law in Support of Motion for Summary Judgment for filing

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today 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.¹ Counsel also completed and filed a Reply to Response in Opposition to Motion for More Definite Statement in Keith Adger Smyth, #363756 vs. Warden, Broad River Correctional Institution, C/A No. 0:18-1390-RBH-PJG, another federal habeas action pending in the United States District Court for the District of South Carolina.

Undersigned counsel also spent a significant amount of time working on a Petition for Rehearing in State v. Shannon Scott, a State's appeal in a grant of immunity in a Protection of Persons and Property Act case pending before this Court. The petition is being filed later this week. Undersigned counsel has also spent a significant amount of time working on a proposed Order of Dismissal in William Brockmeyer v. State, a post-conviction relief action in a Lexington County murder case. Counsel also spent some time working on a proposed Order of Dismissal in Michael Roscoe v. State, another Lexington County post-conviction relief action.

Counsel has nearly 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.

¹ The Return in the Spagnoli action is not being filed today as undersigned counsel learned this afternoon died within the past two weeks.

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.

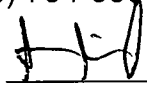
Respectfully Submitted,

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By: 

ALPHONSO SIMON, JR.
ATTORNEYS FOR RESPONDENT

September 10, 2018.