

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2012-212107

Jonathan Kyle Binney, #6009, Petitioner/Respondent,

v.

State of South Carolina, Respondent/Petitioner.

**PETITION/RESPONDENT'S MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSE TO RESPONDENT/PETITIONER'S
PETITION FOR WRIT OF CERTIORARI**

Petitioner-Respondent, Jonathan Binney, through undersigned counsel, for the reasons stated below, respectfully requests that this Court grant an extension of time for 30 days to file his Return to Respondent/Petitioner's Petition for Writ of Certiorari presently due for filing on February 19, 2013. The reasons for this motion are as follows:

1. Undersigned counsel has begun work on the Return and made substantial progress. However, in the past thirty days, counsel has been working on post-hearing briefing in another capital post-conviction case, *Stone v. South Carolina*, 08-CP-43-905, and record review and investigation in a capital federal habeas case, *Wood v. Byars*, 0:12-3532-DCN-PJG, in addition to

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other responsibilities. Moreover, undersigned counsel gave birth to her second child approximately four weeks ago and, consequently, has recently been out of the office.

2. Thus, although counsel has begun drafting the Return in this case, it is not yet complete. Counsel reasonably believes that an extension is needed to thoroughly and accurately brief the issues in this case.

THEREFORE, for the reasons stated above, petitioner respectfully submits that an extension of time is warranted for good cause and requests thirty days.

Respectfully submitted,

EMILY C. PAAVOLA

Death Penalty Resource & Defense Center
900 Elmwood Avenue
Suite 101
Columbia, SC 29201
(803) 765-1044

BY: 
COUNSEL FOR PETITIONER

February 12, 2013.

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J. Michael Baxley, Circuit Court Judge

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Jonathan Kyle Binney, #6009, Petitioner/Respondent

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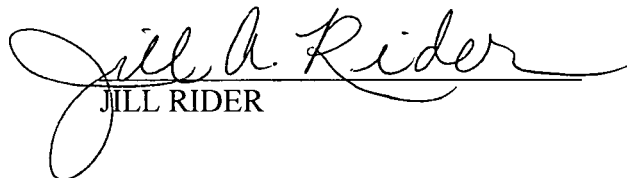
State of South Carolina, Respondent/Petitioner.

CERTIFICATE OF SERVICE

I, Jill Rider, hereby certify that I have served upon the attorney for the Respondent/Petitioner one (1) copy of Petitioner/Respondent's Motion for Extension of Time to File Response to Respondent/Petitioner's Petition for Writ of Certiorari in the above-captioned case by depositing a copy of same in the United States Mail, first class, postage pre-paid, addressed as follows:

William Edgar Salter, III
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211-1549

This the 12th day of February, 2013, in Columbia, South Carolina.


JILL RIDER