

No. _____

In the Supreme Court of the United States

Stephanie Irene Greene, Petitioner,

v.

The State of South Carolina, Respondent.

**APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA**

To the Honorable Chief Justice John G. Roberts, Assigned Judge for the Fourth Circuit Court of Appeals:

Petitioner, Stephanie Irene Greene, requests an extension of time to file her Petition for Writ of Certiorari. Petitioner requests an additional Sixty (60) days to file her Petition for Writ of Certiorari. The Supreme Court of the State of South Carolina issued its ruling on May 23, 2018. The Petitioner filed a timely Petition for Rehearing on June 5, 2018. This Petition for Rehearing was denied by Order dated June 26, 2018. This application is being filed more than ten (10) days prior to the due date for this Petition for Writ of Certiorari which is due not before or on June 26, 2018.

Attached hereto are copies of the initial Order of the South Carolina Supreme Court, the Petition for Rehearing filed by the Petitioner, the Return filed by the State, the Reply filed by the Petitioner and the Order dated June 26, 2018 denying the Petition for Rehearing. Also attached is 18 U.S.C. § 1257 granting jurisdiction to this Court to hear this matter.

The issue involved in this case is whether the South Carolina Supreme Court violated the holding of this Court in *Jackson v. Virginia*, 443 U.S. 307 (1979), and sustained the conviction

on evidence that is no more than a mere modicum. The Court below sustained the conviction in this case when the State produced no expert testimony that to a reasonable degree of medical certainty the morphine found in the minor child of the Petitioner, which proved to be lethal, came from the breast milk of the Petitioner. The State at the trial below stipulated that the sole means of the delivery of the morphine was through breast milk. As a result of the lack of scientific testimony, the jury was left only to speculate as to the source of the morphine and therefore only had at the best a modicum of evidence to sustain the conviction. The lower court opinion permitting a jury to make a scientific conclusion without any scientific opinion supporting the verdict violates the Due Process Clause of the Fourteenth Amendment. As Associate Judge John C. Few said in his dissent “If medical and scientific professionals have nothing more definitive to say as to whether the factual premise of the State’s theory is even possible, then we should not permit a lay jury to base a criminal conviction on the premise.” *State v. Greene*, Op. No. 27802 (S.C. Sup.Ct. filed May 23, 2018)(Judge Few dissenting)(attached hereto)

The Petition for Extension of Time is made due to the work load of the attorney for the Petitioner. Since the denial of the Petition for Rehearing Counsel for Ms. Greene has engaged in a four (4) days trial in the case of *State v. Michael C. Eubanks* in the County of Laurens, South Carolina starting on July 31, 2018. He has been prepared and filed Petitions for Writ of Certiorari and Appendixes in the South Carolina Supreme Court in the cases of *Jerome Campbell v. State* and *Frank Larmand v. State*, filed on July 18, 2018 and August 1, 2018 respectfully. He filed on June 18, 2018 with the South Carolina Supreme Court a Petition for Writ of Certiorari to the South Carolina Court of Appeals in *State v. Williams*. He has an initial brief due on September 5, 2018 in *State v. Adam M. Rowell*, the transcript of which is more than

1,400 pages. This deadline cannot be extended. On September 28, 2018 counsel has an oral argument in the United States Fourth Circuit Court of Appeals which will require preparation time. The extra sixty (60) days will enable counsel to block off time to prepare this Petition for Writ of Certiorari.

Respectfully Submitted

/s/ C. Rauch Wise

C. Rauch Wise

Counsel of Record

305 Main Street

Greenwood, SC 29646

(864) 229-5010

Counsel for Petitioner

August 31, 2018