

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
R. Knox McMahon, Circuit Court Judge

Appellate Case No. 2012-213137

THE STATE,

Respondent,

v.

SIDNEY A. HURSEY, JR.,

Appellant

**RESPONDENT'S MOTION TO EXTEND FILING OF
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The Respondent, above-named, hereby make a second motion to this Court to extend the time for filing the Initial Brief of Respondent and Designation of Matter until September 13, 2013.

This request is due to length of the record on appeal, intervening business and unexpected events in state and federal court.

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AUG 14 2013

I.

The Past Time Period

SC Court of Appeals

This request is due to Respondents' below-signed counsel have been involved in numerous litigation in both state and federal court during this time period which has prevented the completion of this brief in a sufficient and timely manner: Charles Williams v. State, death penalty PCR post-hearing memorandum of law (currently over 240 pages): Steven McClain v. Warden -federal

habeas return and memorandum - filed June 27, 2013; Lisa Ramirez v. Warden - federal habeas corpus return and memorandum - filed July 8, 2013; Albert Scruggs v. Warden - Return to Amended Habeas Petition - federal court ordered - filed July 15, 2013; State v. Greg Isaac - Interlocutory Stand Your Ground Appeal - court-ordered expedited response to Brief of Appellant received on July 17, 2013 - court ordered briefing due and filed by below-signed counsel on July 19, 2013. Gary W. Presley v. Detention Center - federal habeas action - court-ordered Return - filed July 24, 2013; Gary W. Presley v. Detention Center - federal habeas action - opposition to summary judgment - filed July 22, 2013; Bobby Wayne Stone v. State - Rule 59 motion hearing - Florence - Judge Nettles - August 2, 2013; State v. Reginald Canty - filed August 7, 2013 and Stephen Stanko v. S.C. - brief in opposition to petition for certiorari - U.S. Supreme Court filed August 8, 2013. State v. Scott Lee - Response to Rule 29 Motion to Remand for a Hearing on After Discovered Evidence - filed August 8, 2013, State v. Antonio Gordon - Response to Motion for Counsel To Be Relieved - filed August 9, 2013; State v. Lamar Williams - IBOR filed August 12, 2013; Marcellus Knuckles v. Warden - federal habeas corpus response and memorandum of law - filed August 14, 2013.

II.

The Next Thirty Days

Respondent currently has due in the next thirty days the following: Ismail Cruz v. Warden - federal habeas corpus response and memorandum of law - August 16, 2013); State v. Lorenzo Inman - Brief of Respondent - due August 16, 2013; Spencer Utsey v. Warden - federal habeas return and briefing - due August 23, 2013; State v. Richey Boyd, Initial Brief of Respondent - due August 26, 2013; State v. Tavario Brunson - initial Brief of Respondent requested August 28, 2013 (2nd extension); John Weik v. S.C. - Death Penalty PCR Appeal - Brief of Respondent - due

August 29, 2013; State v. Matthew Fullbright - IBOR - due August 30, 2013; State v. Daniel Jackson (5th extension requested to September 5, 2013); State v. Damien Inman - IBOR - (4th Extension requested to September 11, 2013; State v. Sidney Hursey - requested to September 13, 2013.

III.

Respondent's below-signed counsel has contacted opposing counsel Brooks Biediger of the Moore, Taylor and Thomas Firm to request their position on this request and left a telephone message this date. At the time of the filing, I had not learned of the position.

IV.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including September 13, 2013 to complete this Initial Brief of Respondent upon a showing of extraordinary circumstances for the request.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
S.C. Bar #5758

ATTORNEYS FOR RESPONDENT

By: 

Donald J. Zelenka

Post Office Box 11549
Columbia, South Carolina 29211
803-734-6305

August 14, 2013

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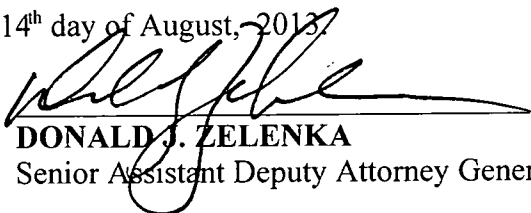
CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents **Motion to Enlarge**

Time for Filing Initial Brief of Respondent by Intra-Agency mail on:

S. Jahue Moore, Esquire
Moore, Taylor & Thomas Defense
P. O. Box 5709
West Columbia, South Carolina 29171

by depositing a copy in the United States Mail this 14th day of August, 2013.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

August 14, 2013

Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Sidney A. Hursey, Jr.
Appellate Case No. 2012-213137

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent in the above-referenced case for filing. By copy of this letter, I am serving opposing counsel with same.

Thank you for your consideration.

Sincerely,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosure

cc: S. Jahue Moore, Jr., Esquire

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