

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Lexington County  
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

THE STATE,

Respondent,

v.

KENNETH ANDREW LYNCH,

Appellant.

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JAN 02 2014

SC Court of Appeals

Appellate Case No. 2012-212547

MOTION TO ENLARGE TIME FOR  
FILING INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER

The Respondent, above-named, by and through the undersigned attorneys, would respectfully move this Court for a 30-day extension of time within which to file its Initial Brief of Respondent. The Initial Brief of Respondent is due to be filed today, January 2, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to Monday, February 3, 2014. This motion is made because Respondent has not been able to complete the Initial Brief within the allotted time for the following reasons:

(A) The attorney for Respondent has had a number of State and Federal matters to attend to:

(1) Dewayne McKenzie v. Warden (Federal Habeas Return)(Criminal Sexual Conduct

with a Minor and Attempting to Commit a Lewd Act on a Minor, **filed December 11,**

RIB 2nd

**2013 in United States District Court for the District of South Carolina;**

- (2) Nathaniel Johnson v. Warden (Federal Habeas Return) Amended Return filed **December 20, 2013 in United States District Court for the District of South Carolina;**
  - (3) James Abercrombie v. Warden (Federal Habeas Return) filed **December 4, 2013 in United States District Court for the District of South Carolina;**
  - (4) State v. Antonio Miller (Murder, Burglary 1<sup>st</sup>, Kidnapping) Initial Brief of Respondent, filed in this Court on **December 20, 2013 (approximately 47 pages);**
  - (5) Bobby Gibson v. Warden (Federal Habeas Return)(Trafficking in Crack and Trafficking Cocaine) filed **December 18, 2013 in United States District Court for the District of South Carolina;**
  - (6) Demetrius Smalls v. Warden (Federal Habeas Return) in process due **January 26, 2013;**
  - (7) Curtis Bryant v. Warden (Federal Habeas Return) filed **today, January 2, 2014, in United States District Court for the District of South Carolina;**
  - (8) Mikal Mahdi v. State (Capital PCR) draft of Amended Order denying relief for the Circuit Court (Judge Early), in process;
  - (9) Goins v. Warden (Federal Habeas Appeal) Brief of Respondent in process (to the 4<sup>th</sup> Circuit Court of Appeals in Richmond);
- and, other matters;**

(B) Respondent's attorney was required to be engaged in computer training for parts of three (3) days the week of November 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup>, 2013, as was the entire Attorney General's Office staff;

(C) The Attorney General's Office was closed Thanksgiving Day and the Friday after Thanksgiving. The Attorney General's Office was closed December 24, 25, & 26, 2013, and January 1, 2014 for Christmas and the New Year's Day Holidays. Respondent's attorney was also out sick one (1) day in December.

(D) Respondent has consulted with opposing counsel, Susan Hackett, and she does not object to the requested extension. This is a second extension request.

For good cause shown, Respondent requests this Court grant it a thirty (30) day extension in which to file the Initial Brief of Respondent in this matter.

Respectfully submitted,

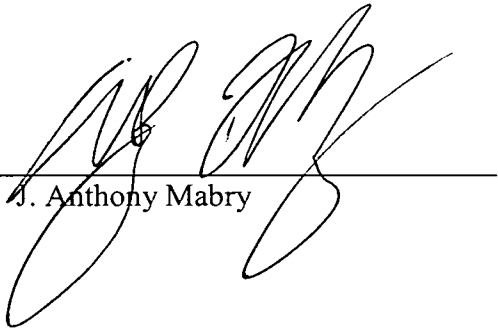
ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY  
Assistant Attorney General

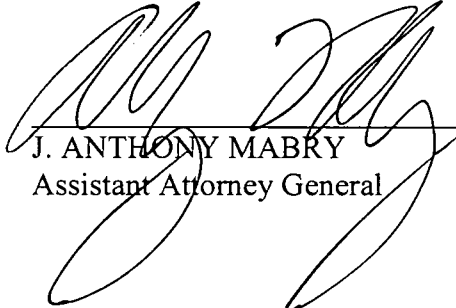
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

By:   
J. Anthony Mabry

January 2, 2014

**CERTIFICATE OF SERVICE**

I **Anthony Mabry**, hereby certify that I have served the Motion to Enlarge Time for Filing Initial Brief of Respondent and Designation of Matter in the foregoing action by depositing copy in the InterAgency Mail to Susan B. Hackett, Appellate Defender, Division of Appellate Defense, 1330 Lady, Street, Ste. 401, Columbia, SC 29201 this 2<sup>nd</sup> day of January, 2014.



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J. ANTHONY MABRY  
Assistant Attorney General

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**SC Court of Appeals**



ALAN WILSON  
ATTORNEY GENERAL

January 2, 2014

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

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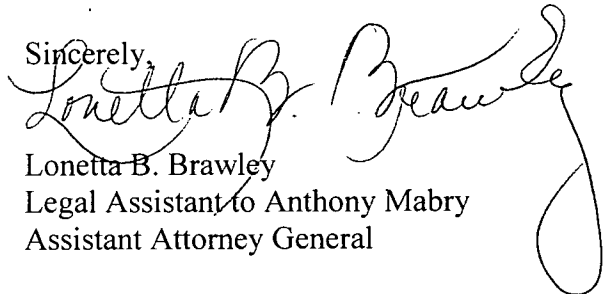
**SC Court of Appeals**

Re: State v. Kenneth Andrew Lynch  
Appellate Case No. 2012-212547

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.

Sincerely,



Lonetta B. Brawley  
Legal Assistant to Anthony Mabry  
Assistant Attorney General

/lbb  
Enclosure

cc: Susan B. Hackett