

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.

RECEIVED

FEB 03 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, February 3, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to March 5, 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,

- 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 1st, 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) **filed January 7, 2014 in United States District Court;**
 - (7) Curtis Bryant v. Warden (Federal Habeas Return) **filed 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 **filed in the 4th Circuit Court of Appeals on January 27, 2014;**
 - (10) State v. Marshall Fullbright (Murder X 2, Armed Robbery X 2)(IBOR) **to be filed today in this Court, February 3, 2014;**
 - (11) State v. Bobby Gilbert, (Murder, Armed Robbery)(Return to Petition for Cert. in the S.C. Supreme Court) **in process;**

and, other matters;

(B) The South Carolina Emergency Division closed State Government offices in Richland County on January 28 & 29, 2014 due to hazardous weather conditions.

(C) Respondent has consulted with opposing counsel, Susan Hackett, and she does not object to the requested extension. This is a third (3rd) 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

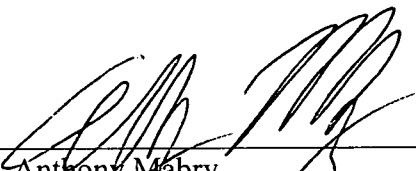
JOHN W. McINTOSH
Chief Deputy Attorney General

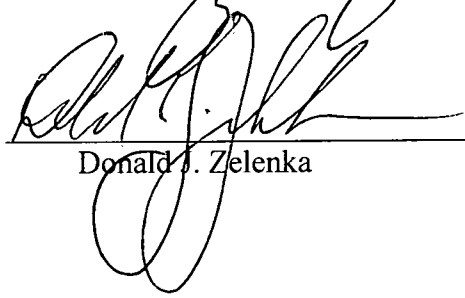
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General

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

By: _____

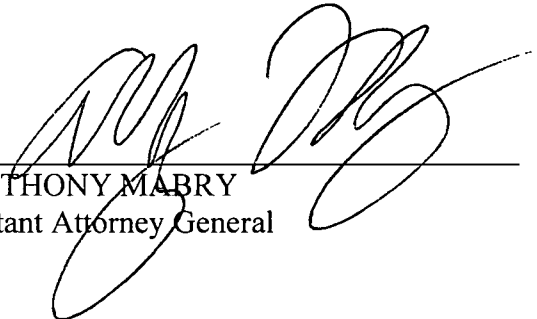

Anthony Mabry


Donald J. Zelenka

February 3, 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 3rd day of February, 2014.



J. ANTHONY MABRY
Assistant Attorney General



ALAN WILSON
ATTORNEY GENERAL

February 3, 2014

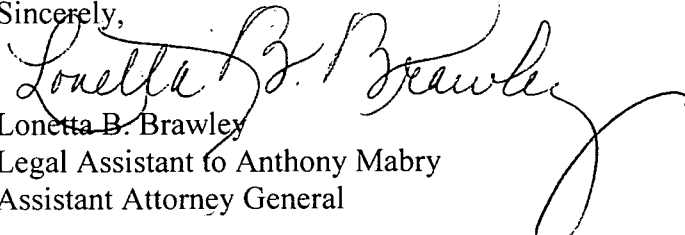
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

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

RECEIVED

FEB 03 2014

SC Court of Appeals