

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.

Appellate Case No. 2012-212547

RECEIVED

MAR 05 2014

SC Court of Appeals

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, March 5, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to April 4, 2014. This motion is made because Respondent has completed a portion of the brief of Respondent, but 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) Mikal Mahdi v. State (Capital PCR) draft of Amended Order denying relief for the Circuit Court (Judge Doyet Early), submitted Thursday,

February 27, 2014. (Approximately 140 pages);

(2) Goins v. Warden (Federal Habeas Appeal) Brief of Respondent **filed in the 4th Circuit Court of Appeals in Richmond on January 27, 2014;**

(3) State v. Marshall Fullbright (Murder X 2, Armed Robbery X 2)(Initial Brief of Respondent) **filed in the S.C. Court of Appeals, February 3, 2014;**

(4) State v. Bobby Gilbert, (Murder, Armed Robbery)(Return to Petition for Cert. in the S.C. Supreme Court) **in process and almost complete;**

(5) Phillip Sims v. Warden (Federal Habeas Return) **filed February 10, 2014 in U.S. District Court for the District of South Carolina;**

(6) Rico Hickman v. Warden (Federal Habeas Return) **filed February 20, 2014 in U.S. District Court;**

(7) State v. Bruce Hill (Murder X 2, Burglary 1st) Oral Argument before the S.C. Supreme Court **on February 5, 2014;**

(8) Albert Harris v. Warden (Federal Habeas Return) **currently in process;**

(9) State v. Antonio Miller (Murder) Final Brief of Respondent **filed February 24, 2014 in the S.C. Court of Appeals;**

(10) Stephen Stanko v. State (Capital PCR) **Status Conference last week (February 21, 2014) before Circuit Judge Benjamin Culbertson in Conway, S.C. for scheduling order;**

(B) This was tried as a capital case and the guilt phase took approximately ten (10) days according to Appellant's brief; therefore, this is a lengthy transcript containing several volumes, which must be reviewed given one (1) of Appellant's grounds is the denial of a directed verdict motion. Further, Appellant is raising a search issue that requires review of pre-trial motions contained within the transcript.

(C) Respondent is consulting with the Lexington County Solicitor's Office regarding the appeal and has requested certain evidence from the guilt phase for review by Respondent, which is necessary to adequately respond to at least one (1) of the grounds raised by

Appellant.

(D) The Attorney General's Office was closed three (3) days due to inclement weather.

(E) Respondent has consulted with opposing counsel, Susan Hackett, and she does not object to the extension request. This is a fourth (4th) extension request.

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

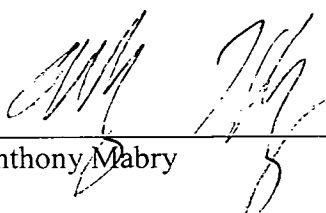
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

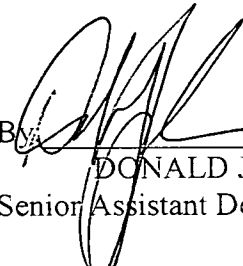
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

By: 

Anthony Mabry

We agree that extraordinary circumstances have been shown.


By: _____
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

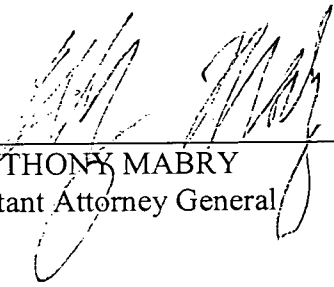
By: John W. McIntosh
JOHN W. McINTOSH
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

March 5, 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 5th day of March, 2014.



J. ANTHONY MABRY
Assistant Attorney General



ALAN WILSON
ATTORNEY GENERAL

March 5, 2014

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

Re: The 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.

Thank you for your consideration.

Sincerely,

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

/lbb
Enclosure

cc: Susan B. Hackett, Esquire

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