

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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

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**THE STATE,**

Respondent,

v.

**KENNETH ANDREW LYNCH,**

Appellant.

**RECEIVED**

APR 04 2014

**SC Court of Appeals**

Appellate Case No. 2012-212547

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

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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, April 4, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to May 5, 2014. This motion is made because Respondent has completed a majority 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 to Judge Early,

**February 27, 2014. (Approximately 115 pages);**

(2) Goins v. Warden (Federal Habeas Return)(**Felony DUI Death, Felony DUI Great Bodily Injury 4 Counts**) filed today, April 4, 2014 in United States District Court for the District of South Carolina;

(3) State v. Mathew 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 for the District of South Carolina;

(7) State v. Bruce Hill (Murder X 2, Burglary 1<sup>st</sup>) Preparation for and Oral Argument before the S.C. Supreme Court on February 5, 2014;

(8) Albert Harris v. Warden (Federal Habeas Return) filed March 17, 2014 in the U.S. District Court for the District of South Carolina;

(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) Return to Final Amended Application, filed March 24, 2014 (approximately 80 pages);

(11) State v. Derringer Young (Murder, ABWIK) Return to Petition for Rehearing, filed last week in the S.C. Court of Appeals;

(12) Fredrick Evins v. State (Capital PCR) Rule 59 Motion to Alter or Amend Order Granting Post-Conviction Relief, filed last week on March 27, 2014;

(13) State v. Mathew Fullbright (Murder X 2) (Final Brief of Respondent) filed March 26, 2013 in the S.C. Court of Appeals;

(14) Alfonzo Staton v. Warden (Federal Habeas Action)(Murder, CSC 1<sup>st</sup>) Status Report to the United States District Judge regarding State PCR action of Petitioner, filed last week on or about March 26-27, 2014;

**and, other matters;**

(B) This case was tried as a capital case and the guilt phase took approximately ten (10)

days; therefore, this is a lengthy transcript containing ten (10) 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 and testimony within the trial itself. Appellant is raising objections to several different searches, each of which must be addressed by Respondent in its Brief.

(C) Respondent previously consulted with the Lexington County Solicitor's Office regarding the appeal and requested certain evidence from the guilt phase for review by Respondent, which was necessary to adequately respond to at least one (1) of the grounds raised by Appellant. Respondent has done so and has incorporated the same into its brief.

(D) Respondent has consulted with Robert Dudek, who consented on behalf of Susan Hackett, and does not object to the extension request. This is a fifth (5<sup>th</sup>) extension request.

(E) Respondent has been actively working on this brief, including at night, so that it may be completed without requesting any further extensions. Barring some unforeseen circumstances, Respondent does not believe it will need to request any further extensions.

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.

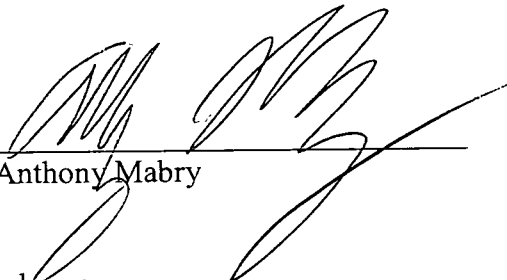
Respectfully submitted,

ALAN WILSON  
Attorney General

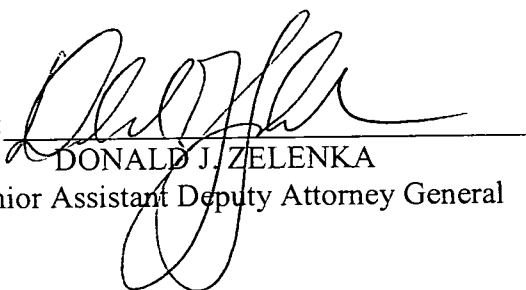
JOHN W. McINTOSH  
Chief Deputy Attorney General

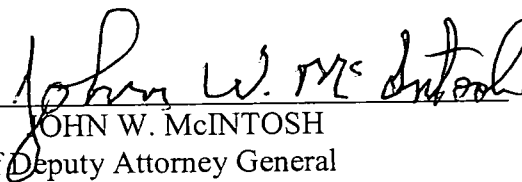
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

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  
Chief Deputy Attorney General

ATTORNEYS FOR RESPONDENT

April 4, 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 Inter-Agency Mail to Susan B. Hackett, Appellate Defender, Division of Appellate Defense, 1330 Lady, Street, Ste. 401, Columbia, SC 29201 this 4<sup>th</sup> day of April, 2014.



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J. ANTHONY MABRY  
Assistant Attorney General

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SC Court of Appeals



ALAN WILSON  
ATTORNEY GENERAL

April 4, 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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**SC Court of Appeals**