

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County
Steven H. John, Circuit Court Judge

THE STATE,

Respondent,

v.

KAREEM S. HARRY,

Appellant.

RECEIVED

MAY 21 2014

SC Court of Appeals

Appellate Case No. 2013-000336

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 from May 21, 2014 up to and including June 20, 2014. Counsel for Respondent has not been able to complete the Initial Brief within the allotted time for the following reasons:

1. Counsel for Respondent has been involved in a number of other state and federal matters, that include:

(A) Johnny Gambrell v. State, (Murder)(Federal Habeas Return) filed Friday, May 16, 2014 in U.S. District Court (Approximately 90 pages);

(B) Freddie Owens v. State (*Capital PCR Appeal to the S.C. Supreme Court*) Return to Petition for Writ of Certiorari, currently in process (currently over 160 pages);

RIB 4th

(C) Jamie Gilbert v. Warden (Federal Habeas Return)(Voluntary Manslaughter, Armed Robbery, Grand Larceny) **filed in U.S. District Court on or about April 23, 2014;**

(D) State v. Bobby Gilbert (Murder, Armed Robbery, Grand Larceny)(Return to Petition for Writ of Certiorari to the Court of Appeals **filed in the S.C. Supreme Court on April 18, 2014 (25 pages);**

(E) State v. Manuel Marin, (Murder) (Return to Petition for Writ of Certiorari to the Court of Appeals), **filed in the S.C. Supreme Court on about April 23, 2014 (25 pages);**

(F) Andre King v. Warden (Murder, ABWIK, Possession of a Weapon during a Violent Crime) **in process, expected to be filed this week (approximately 80-85 pages) in U.S. District Court;**

(G) Thomas Hamilton v. Warden (Federal Habeas Return) **filed on or about April 16, 2014 in U.S. District Court;**

(H) Cordoray Williams v. Warden (Federal Habeas Return) **filed on or about April 11, 2014 in U.S. District Court;**

(I) State v. Kenneth Lynch (Murder 2 Counts) Initial Brief of Respondent , **filed in the S.C. Court of Appeals on or about May 5, 2014 (50 pages) [this was a Capital Case in which the appellant was sentenced to life; there were 10 volumes of Trial Transcript and the defendant was raising a directed verdict issue among other issues);**

(J) Edmund Goins v. Warden (ABWIK)(LWOP) **Preparation for and oral argument before the 4th Circuit Court of Appeals in Richmond on May 14, 2014 (travel to Richmond on May 13th and Return on May 14th after Oral Argument);**

and, other matters.

For extraordinary circumstances shown, Respondent requests this Court grant it a thirty (30) day extension to file the Initial Brief of Respondent in this matter. Opposing counsel objects to this extension request. Respondent is attempting at this time to complete the Return to Petition for Certiorari in Capital PCR Case Freddie E. Owens v. State due in the S.C. Supreme Court. The Petition in that case was ninety-one (91) pages. Once Respondent completes that Return, Respondent will focus on and attempt to complete the Initial Brief of Respondent in this

case, along with its other responsibilities. Respondent's attorney is assigned to the Capital Litigation Section of the Attorney General's Office, which handles all murder appeals, both death penalty and non-capital cases, all Capital PCR cases, at the circuit court and appellate level, and all Federal Habeas Corpus cases regardless of the crime. This is Respondent's 4th extension request.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

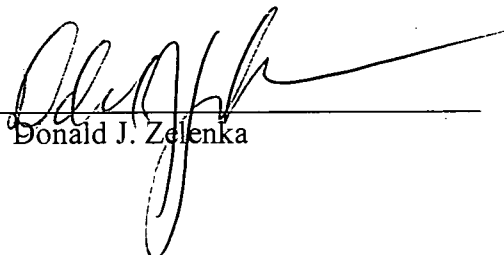
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
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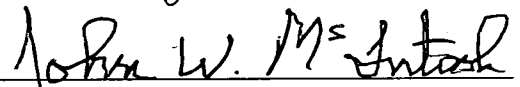
By: 

J. Anthony Mabry

We agree extraordinary circumstances have been shown.



Donald J. Zelenka



John W. McIntosh
ATTORNEYS FOR RESPONDENT

May 21, 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 United States Mail to :

Meliah Bowers Jefferson, Esquire
WYCHE, P.A.
44 East Camperdown Way
Greenville, SC 29601

And by InterAgency Mail to:

Robert M. Dudek
Chief Attorney
Division of Appellate Defense
1330 Lady, Street, Ste. 401
Columbia, SC 29201

This 21st day of May, 2014.



ANTHONY MABRY
Assistant Attorney General



ALAN WILSON
ATTORNEY GENERAL

May 21, 2014

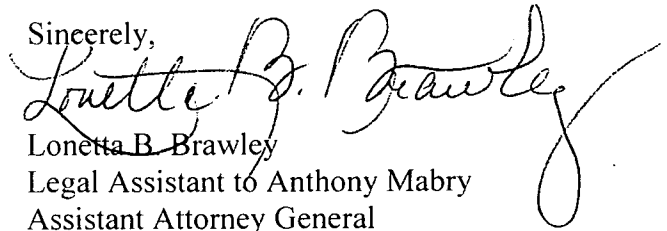
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: State v. Kareem S. Harry
Appellate Case No. 2013-000336

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: Meliah Bowers Jefferson, Esquire
Robert M. Dudek, Esquire

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