

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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THE STATE,

Respondent,

**RECEIVED**

JUN 20 2014

v.

**SC Court of Appeals**

KAREEM S. HARRY,

Appellant.

Appellate Case No. 2013-000336

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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 from June 20, 2014 up to and including July 21, 2014. Counsel for Respondent has completed *a majority* of its Initial Brief of Respondent, but 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) Freddie Owens v. State (*Capital PCR Appeal to the S.C. Supreme Court*) Return to Petition for Writ of Certiorari, **currently in process (currently 129 pages). This Return is due Monday June 23, 2014 and will be filed on Monday (No further extensions will be granted). Respondent's attorney has been working on this**

**Return extensively, including some nights. (Applicant's Petition was 91 pages), the Record includes a trial, 3 sentencing proceedings, and the PCR Transcript;**

(B) State v. Kenneth Lynch (Murder X 2, Grand Larceny) Final Brief of Respondent **filed Wednesday June 18, 2014 in this Court;**

(C) Goins v. Warden (Federal Habeas Case)(LWOP) Review of 4<sup>th</sup> Circuit Court of Appeals Opinion denying relief, **received Wednesday, June 18, 2014;**

(D) Damon Jackson v. Warden (Federal Habeas Return)(37 year sentence) **filed in U.S. District Court on June 6, 2014 (approximately 61 pages);**

(E) Hickman v. Byars (Federal Habeas Case)(ABWIK, Armed Robbery) Review of of U.S. Magistrate's Report and Recommendation granting Respondent's Motion for Summary Judgment, **received Thursday, June 19, 2014;**

(F) Smalls v. McFadden (Federal Habeas Case) Review of U.S. Magistrate's Report and Recommendation granting Respondent's Motion for Summary Judgment, **received Wednesday, June 18, 2014;**

(F) English v. McCall (Federal Habeas Case) Review of District Court's Order adopting Report and Recommendation, **received June 6, 2014;**

(H) Bryant v. Warden (Federal Habeas Case) Review of Report and Recommendation of U.S. Magistrate granting summary judgment to Respondent and research regarding possible objection to Report and Recommendation on one issue the Court denied Respondent's basis for summary judgment, **received June 6, 2014;**

(I) Fredrick Evins v. State (Capital PCR), Preparation for and Hearing on State's Rule 59 Motion to Alter or Amend Judgment before Judge Garrison Hill in Greenville, **June 3, 2014;**

(J) Blanding v. Warden, (Federal Habeas Case)(Murder) Review of Report and Recommendation granting Respondent's Amended Motion for Summary Judgment, **received May 30, 2014;**

(K) Andre King v. Warden (Murder, ABWIK, Possession of a Weapon during a Violent Crime) (Federal Habeas Return) **filed May 22, 2014 (approximately 73 pages) in U.S. District Court;**

(L) McKenzie v. Cartledge (Federal Habeas Case) Review of Report and Recommendation of U.S. Magistrate granting Motion for Summary Judgment, **received May 22, 2014;**

(M)Melvin Nelson v. Warden (Federal Habeas Return) **in process;**

**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'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.

Respondent has assigned a paralegal and an intern to assist Respondent's attorney with completing this brief. Barring some unforeseen circumstances, Respondent does not expect any further extension requests. This is Respondent's 5th extension request.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

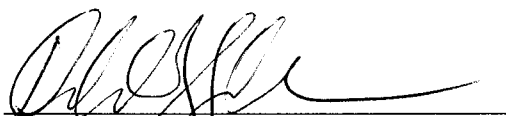
DONALD J. ZELENKA  
Senior Assistant Deputy Attorney General

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

By: \_\_\_\_\_

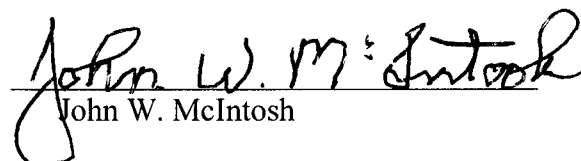
J. Anthony Mabry

We agree extraordinary circumstances have been shown.



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Donald J. Zelenka



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John W. McIntosh

ATTORNEYS FOR RESPONDENT

June 20, 2014

**CERTIFICATE OF SERVICE**

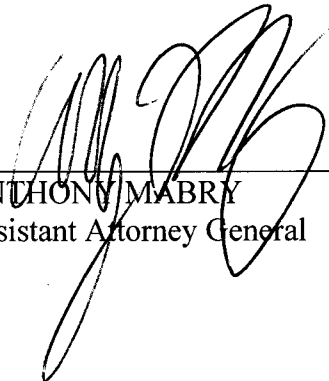
**I, Anthony Mabry**, hereby certify that I have served the Motion to enlarge Time for Filing Initial Brief of Respondent and Designation of Matter in the foregoing action by depositing copy in the United States Mail to :

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 20<sup>th</sup> day of June, 2014.



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ANTHONY MABRY  
Assistant Attorney General



ALAN WILSON  
ATTORNEY GENERAL

June 20, 2014

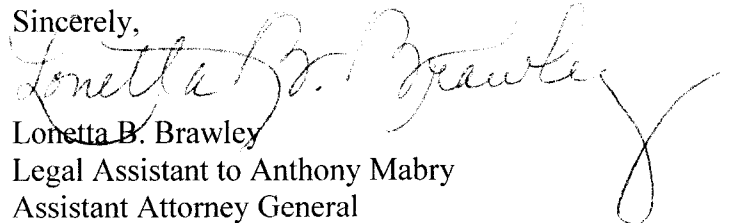
Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

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

RECEIVED  
SOUTH CAROLINA COURT OF APPEALS