

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
J. Michael Baxley, Circuit Court Judge

RECEIVED
JUL 11 2014
SC Court of Appeals

Indictment Nos. 2011-GS-32-0242
2011-GS-32-0243
2011-GS-32-0244

EX PARTE:

South Carolina Department of Disabilities
and Special Needs, Appellant.

IN RE:

State of South Carolina, Respondent,

v.

Rocky A. Linkhorn, Respondent.

**RESPONDENT LINKHORN'S MOTION FOR EXTENTION
OF TIME AND TO HOLD DEADLINES IN ABEYANCE**

Pursuant to Rule 263(b), SCACR, respondent Rocky A. Linkhorn moves for a 30 day extension of time to file his initial brief and designation of matter for the record and moves to hold deadlines in abeyance pending a decision regarding the

extension motion. In support of the motion, he asks the Court to consider the following:

1. The current deadline for filing the brief and designation is July 23, 2014, pursuant to the Court's order filed June 19, 2014, which granted a previous extension request.

2. Since the Court granted counsel's previous request for an extension, counsel tried a case charging burglary in the second degree, violent, and grand larceny before the Honorable Thomas Russo in the Court of General Sessions for Lexington County during the week of June 23. During that week counsel was also plead general sessions cases before the Honorable Edward Cottingham in Lexington County.

3. Counsel is employed by the Office of the Eleventh Circuit Public Defender. Counsel has a caseload in excess of 200 clients. Thirty-seven of these clients are incarcerated at the Lexington County Detention Center. Since the Court granted counsel's previous request for an extension, counsel has been required to meet with a number of these clients in order to expedite the disposition of their cases in the circuit court.

4. This appeal involves novel questions of law of a complex nature which require additional time for researching and writing the brief.

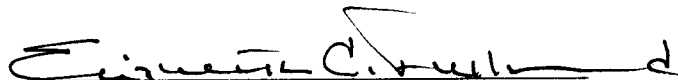
5. Counsel for the appellant consented to this extension request via a telephone conversation of this date. Counsel for respondent State of South Carolina has also consented via email. (See attached.).

6. Respondent Linkhorn asks the Court to hold deadlines in abeyance until an order is issued regarding this motion.

7. A separate support memorandum is not filed with this motion because the grounds are set forth in the motion.

For the foregoing reasons, Respondent Linkhorn respectfully asks that his extension request be granted.

Respectfully submitted,



ELIZABETH C. FULLWOOD
Public Defender for Lexington County
S.C. Bar No. 002202

Office of the Eleventh Circuit Public
Defender
407 1/2 West Main St.
Lexington SC 29072
(803) 785-8873

July 11, 2014

Fullwood, Elizabeth

From: Parkin Hunter [phunter@scag.gov]
Sent: Friday, July 11, 2014 1:16 PM
To: Fullwood, Elizabeth; alindemann@dml-law.com; wdauidson@dml-law.com
Subject: RE: Linkhorn Appeal

I have no objection.

Parkin

P. Parkin Hunter
Assistant Attorney General
734-6151

From: Fullwood, Elizabeth [mailto:EFullwood@lex-co.com]
Sent: Friday, July 11, 2014 1:11 PM
To: alindemann@dml-law.com; wdauidson@dml-law.com
Cc: Parkin Hunter
Subject: Linkhorn Appeal

Msrs. Lindermann and Davidson:

I am writing to ask you to consent to my request for a second thirty day extension in the Linkhorn appeal. Thank you for your consideration in this matter.

Elizabeth C. Fullwood
Lexington County Public Defender
407 1/2 West Main St.
Lexington SC 29072
Telephone: 803.785.8873
Fax: 803.957.1443

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CERTIFICATE OF SERVICE

The undersigned certifies that the respondent Rocky A. Linkhorn's Motion for Extension of Time and to Hold Deadlines in Abeyance has been served on counsel for the parties this 11th day of July, 2014, by having it placed in the United States mail addressed as follows:

William H. Davidson, Esquire
Andrew F. Lindemann, Esquire
Davidson & Lindemann
P.O. Box 8568
Columbia SC 29202-8568

Tana Vanderbilt, Esquire
General Counsel
S.C. Department of Disabilities and Special Needs
P.O. Box 4708
Columbia SC 29240

J. Emory Smith, Jr., Esquire
T. Parkin Hunter, Esquire
Office of the Attorney General
P.O. Box 11549
Columbia SC 29211

Rhonda W. Patterson, Esquire
Eleventh Circuit Solicitor's Office
205 East Main St.
Lexington SC 29072

Monique M. Lee, Esquire
Office of General Counsel
S.C. Department of Mental Health
P.O. Box 485
Columbia SC 29202-8568



ELIZABETH C. FULLWOOD
Public Defender for Lexington County
S.C. Bar No. 002202

Office of the Eleventh Circuit Public
Defender
407 1/2 West Main St.
Lexington SC 29072
(803) 785-8873

OFFICE OF THE PUBLIC DEFENDER

ELIZABETH FULLWOOD
Lexington Public Defender
407½ W. Main St.
Lexington, SC 29072
Telephone (803) 957-8873
Fax (803) 957-1443

Eleventh Judicial Circuit
Lexington, Saluda, Edgefield,
and McCormick Counties

ROBERT M. MADSEN
Circuit Public Defender

W. GREG SEIGLER
Tri-County Public Defender
Post Office Box 1852
McCormick, SC 29835
Telephone (864) 852-9555
Fax (864) 852-9554

July 11, 2014

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

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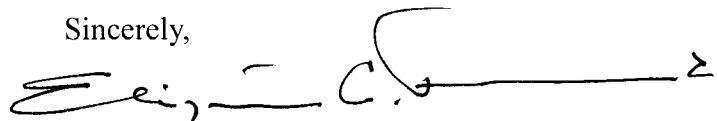
Re: Ex parte: South Carolina Department of Disabilities and Special Needs
In Re: State of South Carolina v. Rocky A. Linkhorn
Appellate Case Number: 2013-002208
Indictment Numbers: 2011-GS-32-0242, 2011-GS-32-0243, 2011-GS-32-0244

Dear Ms. Kitchings:

Enclosed for filing is a Motion for Extension of Time and to Hold Deadlines in Abeyance, along with 6 copies, and Certificate of Service in the above matter. I have not enclosed a filing fee because Mr. Linkhorn is an indigent criminal defendant represented by appointed counsel and is therefore exempt.

Thanking you in advance for your assistance in this matter, I am,

Sincerely,



Elizabeth C. Fullwood

cc: William H. Davidson, II
Andrew F. Lindemann
Davidson & Lindemann, PA
P.O. Box 8568
Columbia SC 29202-8568

Tana G. Vanderbilt
S.C. Department of Disabilities and Special Needs
P.O. Box 4706
Columbia SC 29240

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Office of the Eleventh Circuit Solicitor
205 East Main St.
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