

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County
Honorable Brian M. Gibbons, Circuit Court Judge

RECEIVED
JUL 11 2014
SC Court of Appeals

THE STATE,

Respondent,

v.

LAKEITHON M. HALL,

Appellant.

Appellate Case No. 2013-002616

**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 July 11, 2014. The undersigned attorneys for the above Respondent move that the time for return be extended to August 11, 2014. This motion is made because Respondent has not been able to complete the Initial Brief within the allotted time for the following reasons:

1. Counsel has been unable to complete the Initial Brief because counsel for Respondent has been involved in a number of other state and federal matters, that include:

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

(B) Hickman v. Byars (Federal Habeas Case)(ABWIK, Armed Robbery) Review of

U.S. Magistrate's Report and Recommendation granting Respondent's Motion for Summary Judgment, **received Thursday, June 19, 2014;**

(C) 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;**

(E) Melvin Nelson v. Warden (Federal Habeas Return) **filed Tuesday, July 9, 2014 in U.S. District Court;**

(F) Freddie E. Owens v. State (Capital PCR Appeal) Return to Certiorari **filed in S.C. Supreme Court on June 23, 2014 (120 pages);**

(G) Fredrick Evins v. State (Capital PCR) Draft of Order Granting Rule 59 Motion and waiver of guilt phase issues by applicant and forwarded to opposing counsel **drafted and forwarded Wednesday, June 25, 2014;**

(H) Fredrick Evins v. State (Capital PCR) *Hearing* in Greenville **June 27, 2014** before Judge Garrison Hill regarding Order Granting Rule 59 Motion and resolving Guilt Phase issues by waiver of defendant on the record;

(I) Robert James Miller v. Warden (Federal Habeas Return) Return and Motion to Dismiss **filed in U.S. District Court on June 26, 2014;**

(M) Eric Dale Tessner v. Warden (Federal Habeas Return) Return and Motion to **filed in U.S. District Court on Monday, July 7, 2014;**

(N) Staton v. McCall (Federal Habeas Matter) Joint Status Report required by Judge Kaymani West, **filed on or about July 3, 2014;**

(O) Miller v. Warden (Federal Habeas Matter) Response in Opposition to Motion for Bail, **filed in U.S. District Court on June 26, 2014;**

(P) State v. Christopher Heller (Brief of Respondent after grant of Certiorari to the Court of Appeals) in process, **due date July 23, 2014** (no extensions allowed).

and, other matters.

2. Respondent has consulted with opposing counsel, Tricia A. Blanchette, and she does not object to the requested extension. This is a 2nd extension request.

For good cause shown, Respondent respectfully requests this Court grant an extension of thirty (30) days up to and including **August 11, 2014** in which to file the Initial Brief of Respondent.


Respectfully submitted,

ALAN WILSON
Attorney General

JOHN MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ANTHONY MABRY
Assistant Attorney General
ATTORNEYS FOR RESPONDENT

By: 

Anthony Mabry

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

July 11, 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 Tricia A. Blanchette, Esquire, P. O. Box 12725, Columbia, SC 29211 this 11th day of July, 2014.



ANTHONY MABRY
Assistant Attorney General

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ALAN WILSON
ATTORNEY GENERAL

July 11, 2014

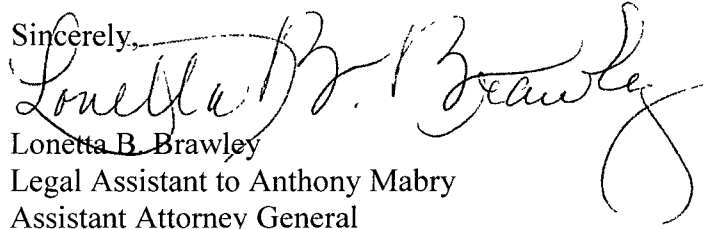
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: State v. Lakeithon M. Hall
Appellate Case No. 2013-002616

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: Tricia A. Blanchette, Esquire