

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

AUG 15 2014

Appeal from Abbeville County
Alexander S. Macaulay, Circuit Court Judge

S.C. Supreme Court

Case No. 2000-CP-01-21
Appellate Case No. 2010-170387

JOHN KENNEDY HUGHEY,

Respondent/Petitioner

v.

STATE OF SOUTH CAROLINA,

Petitioner/Respondent

**MOTION TO EXTEND TIME TO FILE BRIEF OF RESPONDENT
OF PETITIONER/RESPONDENT STATE OF SOUTH CAROLINA**

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The State of South Carolina, as Petitioner-Respondent in the above-entitled action, hereby makes a motion to extend the time to file the Brief of Respondent of Petitioner-Respondent presently due on August 15, 2014 for a period of thirty days up to and including September 15, 2014. This is the second extension request in this matter and Respondent submit that good cause is shown. As stated herein, Respondent's counsel is working on the Brief of Respondent but it has not been completed. The present draft consists of over 100 pages. It is in response Mr. Hughey's 82 page brief raising numerous specifications. The below-signed counsel has been advised by opposing counsel E. Charles Grose, Jr., this date by email that

he has no objection to this request. Respondent submits the following shows good cause:

I.

Counsel for Respondent has also been working on drafts of the prioritized initial brief of Respondent in State v. Thomas Stewart on a fifth extension and an initial brief of respondent in State v. Antonio Gordon due on August 20, 2014 on a third extension which have both been prioritized with the Court of Appeals.

Since the prior request, below-signed counsel personally filed a response to stay of execution in the federal district court in Bayan Aleksey v. Warden death penalty habeas action on July 14, 2014; began preparation on death penalty PCR appeal State Brief of Respondent in John K. Hughey v. State which is presently 116 pages in incomplete draft form; deposition preparation and deposition in death penalty PCR case Andres Torres v. State on July 23, 2014; made a motion to dismiss appeal in State v. Kevin Howard on July 24; prepared and filed a federal habeas return in Bobby Rice v. Warden (2nd extension) on July 28, 2014; and a federal habeas corpus return in Bryan Ladner v. Warden on July 28, 2014; resolved an appeal and expedited issuance of a remittitur in State v. Dondre Scott on July 28; filed a federal habeas corpus return and memorandum of law (49 pages) and a response to an order in the federal habeas corpus action of Lentigus Floyd v. Warden's motion to stay on July 30; filed a Brief of Respondent in the Court of Appeals in State v. Orlando Smith on July 31, 2014; made a written response to motion to amend and supplemental return in federal habeas corpus matter of Steven Collins v. Warden on July 31, 2014; filed a federal habeas return and memorandum of law in Terry

Smalley v. Warden (17 pages) on August 1, 2014; response to motion to amend in habeas matter of Kevin Mellette v. Warden on August 7, 2014; Return to Petition for Writ of Certiorari in Kevin Choice v. State in the South Carolina Supreme Court on August 8, 2014; filed a federal habeas response in Jason Riley v. Warden (43 pages) on August 13, 2014, prepared and filed a memorandum of law in the death penalty PCR matter of Quincy Allen v. State on August 13, 2013; participated in telephone status conference with Judge Cothran in Quincy Allen v. State on August 13. In addition, Respondent's below-signed counsel sought status updates from opposing counsel in the following pending death penalty cases: James W. Wilson; Donald Jones; Mar-Reece Hughes; Ronald Finklea.

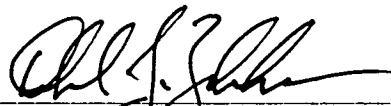
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#3.
In the next month, below-signed counsel is responsible, in addition to the Respondent's Brief of Respondent on certiorari in the death penalty appeal in John K. Hughey v. State on August 15, 2014 which is being requested to be extended; an initial brief of respondent in State v. Thomas Stewart (5th extension and prioritized) on August 20; initial brief of respondent in State v. Antonio Gordon (3rd) due August 20; a death penalty PCR appeal Return to Certiorari in Charles Williams v. State due on August 21, 2014; a federal habeas return in Jonathan Carter v. State on August 20, 2014; a status conference before Judge Keesley in Ron Finklea v. State on August 25; an initial brief of respondent in State v. Frank Singleton due on August 25, 2014; a motion hearing in the death penalty PCR matter of Quincy Allen v. State on August 27, 2014 before Judge Keesley; a Return to Certiorari in the South Carolina Supreme Court in Jamaal Hinson v. State (no extensions) on August 29, 2014.

II.

Wherefore Respondents respectfully request an extension of a period of thirty days up to and including September 15, 2014 to complete this Initial Brief of Respondent.

Respectfully submitted,
DONALD J. ZELENKA
Senior Assistant Deputy Attorney General
S.C. Bar #5758

ATTORNEYS FOR RESPONDENT

By:  _____

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August 15, 2014

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IN THE SUPREME COURT

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Honorable Alexander S. Macaulay

Appellate Case No. 2010-170387

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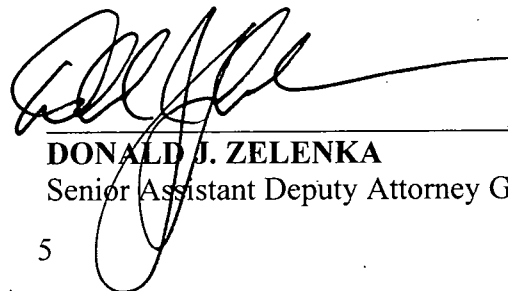
CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served the MOTION TO EXTEND TIME TO FILE BRIEF OF RESPONDENT OF PETITIONER/RESPONDENT STATE OF SOUTH CAROLINA Petitioner/Respondent's Motion to Enlarge Time for Filing Petition for Writ of Certiorari and Appendix on:

E. Charles Grose, Jr., Esquire
The Grose Law Firm, LLC
404 Main Street
Greenwood, SC 29646

Tara Schultz Waters, Esquire
Waters Law Firm, LLC
120 S. Magnolia Street
Summerville, SC 29483

by depositing copies depositing copies in the United States mail, postage prepaid, this 15th day of August, 2014.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General