

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2013-000975

RECEIVED

AUG 20 2014

THE STATE,

RESPONDENT
SC Court of Appeals

v.

ANTONIO GORDON,

APPELLANT

RESPONDENT'S MOTION TO EXTEND FILING OF
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER

The Respondent, above-named, hereby makes a motion to this Court to extend the time for filing the Initial Brief of Respondent and Designation of Matter from August 20, 2014 to September 19, 2014. This fourth request is due to other business personal events in state and federal court. The Appellant, acting pro se, is being advised of this extension by service of this motion.

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 which will be filed this date and an initial brief of respondent in State v. Antonio Gordon due on August 20, 2014.

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; and Ronald Finklea.

In the next month, below-signed counsel is responsible, in addition to the Respondent's

2
83

Brief of Respondent on certiorari in the death penalty appeal in John K. Hughey v. State on September 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 sought to be extended to September 19, 2014; a death penalty PCR appeal Return to Certiorari in Charles Williams v. State due on August 21, 2014 sought to be extended to September 20; a federal habeas return in Jonathan Carter v. State on August 20, 2014 sought to be extended to September 19; 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.

Counsel has established the following highest priorities:

1. Death Penalty PCR appellate Brief of Respondent - John K. Hughey v. State due on September 15, 2014
2. Death penalty PCR appeal Return to Certiorari in Charles Williams v. State projected due on September 20, 2014.
3. Initial Brief of Respondent – State v. Thomas Stewart – to be filed August 20, 2014.
4. State v. Antonio Gordon – initial Brief of Respondent projected due on August 20, 2014

II.

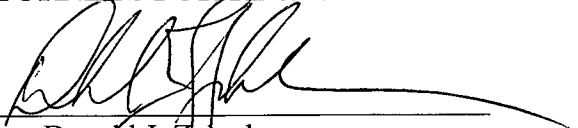
Wherefore Respondents respectfully request an extension of a period of thirty days up to

and including September 19, 2014 to complete this Initial Brief of Respondent.

Respectfully submitted,

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ATTORNEYS FOR RESPONDENT

By: 

Donald J. Zelenka
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Columbia, South Carolina 29211
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803-734-6305

5/24

August 20, 2014

I concur that extraordinary circumstances have been shown to this request.



Barry J. Bernstein
Chief of Staff For John W. McIntosh , Deputy Attorney General

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CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served Respondents **Motion to Enlarge**

Time for Filing Initial Brief of Respondent on:

Antonio Gordon, #259798
Allendale Correctional Institution
P.O. Box 1151
Fairfax, S.C. 29827

by depositing a copy in the Mail with sufficient postage this 20th day of September, 2014.


DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

August 20, 2014

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AUG 20 2014

SC Court of Appeals

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

Re: The State v. Antonio Gordon
Appellate Case No. 2013-000975

Dear Ms. Kitchings:

Enclosed please find a Motion to Enlarge Time for Filing Initial Brief of Respondent and Designation of Matter in the above-captioned matter for filing in your office. By copy of this letter, I am serving Appellant with same.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosure

cc: Antonio Gordon, #259798