

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County

J. Cordell Maddox, Circuit Court Judge

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SEP 22 2014
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JOHN FITZGERALD KENNEDY,

APPELLANT,

Appellate Case No. 2013-002621.

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter due to be filed on September 22, 2014. This is Respondent's third request for an extension of time in which to file the brief. In support of the request, undersigned counsel would respectfully show the Court:

1. Undersigned counsel for Respondent has been scheduled for a number of state and federal matters in the last thirty (30) days, that include, but are not limited to, the following: prepared and filed a response in opposition to petitioner's motion to alter or amend the judgment in another federal habeas action (*Ricky Brannon*); prepared and filed another return and memorandum of law in support of motion for summary judgment in another habeas action (*Larry D. Miller*); attended a four-day conference with the Association of Government Attorneys in

Capital Litigation in San Diego, California; reviewed and prepared drafts of three returns and memoranda of law in three other habeas actions currently on extension with the U.S. District Court (*James Dickerson, Willie Legette, and Jason Moulton*); and, reviewed and presented oral argument in the South Carolina Court of Appeals in another non-capital murder direct appeal action (*Ralph B. Hayes*). In addition, Counsel for Respondent has recently been appointed co-counsel in a capital post-conviction relief action currently pending in state circuit court, which is scheduled for evidentiary hearing to begin in November (*Quincy Allen*). Counsel has been reviewing the case files and has participated in a motions hearing regarding discovery in that case

2. Due to these circumstances undersigned counsel for Respondent has not been able, in a timely fashion, to complete the initial brief in this appeal. Though counsel has prepared a draft, counsel respectfully requests the additional amount of time in order to perfect the brief.

3. This is the third request for an extension of time in which to file a response.

THEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of Matter.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

KAYCIE S. TIMMONS
Assistant Attorney General

BY: Kaycie S. Timmons
KAYCIE S. TIMMONS
S.C. Bar No. 100237

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-0265

September 22, 2014.
Columbia, South Carolina.

ATTORNEYS FOR RESPONDENT

I have reviewed and approved this request.


DONALD J. ZELEŃKA
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, Kaycie S. Timmons, certify that I have served Respondent's Motion for a Third Extension of Time on counsel for Appellant, by depositing one copy of same in the United States mail, postage prepaid, to counsel for appellant, addressed as follows:

Robert M. Pachak
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 22nd day of September, 2014.


KAYCIE S. TIMMONS
S.C. Bar No. 100237
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-0265

ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

September 22, 2014

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SEP 22 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. John Fitzgerald Kennedy
Appeal from Anderson County
Appellate Case No. 2013-002621

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondent's Motion for Third Extension of Time to File the Initial Brief of Respondent and Designation of Matter, dated September 22, 2014, together with a Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter. Please call this office if you need any additional information.

Sincerely,

Kaycie S. Timmons
Assistant Attorney General

KST/mv

cc: Robert M. Pachak, Appellate Defender