

ORIGINAL

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
\_\_\_\_\_  
Appeal From Greenville County  
G. Edward Welmaker, Circuit Court Judge  
\_\_\_\_\_

2nd  
RIB  
1-20-12  
2-20-12  
Respondent,

The State,

RECEIVED

Gregg Gerald Henkel

JAN 23 2012

Appellant.

SC Court of Appeals

\_\_\_\_\_  
**MOTION FOR SECOND EXTENSION OF TIME  
TO SERVE AND FILE RESPONDENT'S INITIAL BRIEF**  
\_\_\_\_\_

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter were due to be served and filed on January 23, 2012.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the Respondent moves for a second extension in the above referenced appeal. Due to work required in other cases pending before this Court and the South Carolina Supreme Court, I am unable to complete this Brief on time. In the past few weeks, the undersigned

has submitted Initial Briefs in State v. Cardneas et al., State v. Samuel, State v. McConnell, State v. Webb, State v. Saunders, State v. Kelly, State v. Cameron, State v. Leggette, State v. Harrison, State v. Burton, and State v. Hawes. The undersigned has completed a Petition for Writ of Certiorari in In the Matter of the Care and Treatment of Way, State v. Watkins, State v. Hercheck, and State v. Sawyer, as well as a Return to the Petition for Writ of Certiorari in In the Matter of the Care and Treatment of Way. The undersigned has prepared for and participated in oral argument before the South Carolina Supreme Court in State v. Sterling, State v. Whitner, State v. Latimore, and State v. Binnarr, as well as in the Court of Appeals in State v. Phillip Miller, State v. Harlin, State v. Collins, In the Matter of the Care and Treatment of Williams, and State v. Gregory.

### III.

This extension request is not intended for purposes of delay, but rather to ensure that the Brief is properly researched and prepared. I therefore request a second extension of time within which to serve and file the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty (30) days from the date such relief is granted; and for such other and further relief as the Court may deem just and proper.


Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

WILLIAM M. BLITCH, JR.  
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(803) 734-3727

ATTORNEYS FOR RESPONDENT

January 23, 2012

GRANTED  
JOHN CANNON FEW, C.J.  
FOR THE COURT

By: V. Claire Allen  
(Clerk) (Deputy Clerk)

**FILED**

1.25.12 NV

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal From Greenville County  
G. Edward Welmaker, Circuit Court Judge  
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The State,

Respondent,

v.

Gregg Gerald Henkel

Appellant.

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I, ELLEN R. DuBOIS, certify that I have served the within Motion for Second Extension of Time to Serve and File Respondent's Initial Brief on Appellant by depositing copies of the same in the United States mail, postage prepaid, addressed to:

C. Rauch Wise, Esquire  
305 Main Street  
Greenwood, SC 29646

I further certify that all parties required by Rule to be served have been served.  
This 23<sup>rd</sup> day of January, 2012

*ellen R. DuBois*

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