

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
Honorable J. Mark Hayes, II, Circuit Court Judge
Appellate Case No. 2018-000136

RECEIVED
JUN 08 2018
SC Court of Appeals

THE STATE,

Appellant,

vs.

ADAM KEITH LUNSFORD,

Respondent.

**MOTION FOR THIRD EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER**

Appellant (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Appellant and Designation of Matter are due to be served and filed on June 8, 2018.

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 State moves for a **third** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the past few weeks, the undersigned counsel has participated in oral argument at the Supreme Court in State v. James

Scott Cross; has participated in oral argument at the Court of Appeals in State v. John Kenneth Massey, Jr.; has submitted an Initial Brief of Respondent to the Court of Appeals in State v. Robert Bernard Campbell, State v. Zebullin Alan Short, State v. Derrick Lamont Furtick, and State v. Willie Thomas Gray; and has submitted a Return to Petition for Rehearing to the Court of Appeals in State v. Antwan Jamal Jett.

III.

The undersigned counsel submits this extension request is supported by good cause. In this case, the Respondent, Adam Keith Lunsford, shot his victim multiple times during the course of what was described as a “road rage” incident, and the victim was paralyzed from the waist down as a result of the shooting. Based on Respondent’s actions, the Spartanburg County Grand Jury indicted him for attempted murder, assault and battery of a high and aggravated nature, and pointing or presenting a firearm, but a circuit court judge subsequently granted him immunity from prosecution on each of those charges pursuant to the South Carolina Protection of Persons and Property Act. The State believes the circuit court judge’s decision in granting immunity was controlled by an error of law and, as a result, is appealing. In light of the important issues involved in the case, the State’s Brief has required significant research, and the undersigned counsel has not yet been able to complete it. Additionally, the undersigned counsel has been unable to obtain copies of the exhibits admitted during the immunity hearing despite consultation with the solicitor, the clerk of court’s office, the circuit court judge’s chambers, and opposing counsel. For those reasons, the undersigned counsel believes an additional extension of time is necessary so that the Brief can be properly prepared and the exhibits admitted during the immunity hearing can potentially be located.

IV.

This extension request is not intended for purposes of delay but rather to ensure that the Brief is properly researched and prepared. The undersigned is currently working on the Brief in this case and intends to have it finished in a timely manner. I would therefore request an extension of time within which to serve and file the Brief.

WHEREFORE, Appellant prays that the Court extend the deadline for the service and filing of the Initial Brief of Appellant and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Appellant's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Assistant Attorney General

By: 

Mark R. Farthing
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

I have reviewed and approved this extension request.

By: 

J. Benjamin Aplin
Senior Assistant Deputy Attorney General

By: 

Donald J. Zelenka
Deputy Attorney General

June 8, 2018

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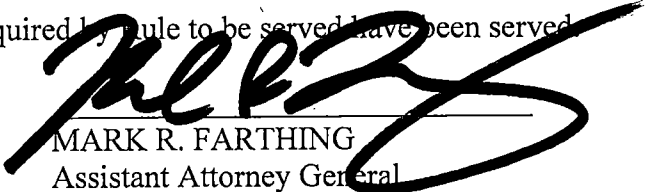
Respondent.

PROOF OF SERVICE

I, Mark R. Farthing, certify that I have served the within Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter on Appellant by sending two copies of the same to:

N. Douglas Brannon & Christopher David Kennedy, Esquires
Kennedy & Brannon, P.A.
Post Office Box 3254
Spartanburg, SC 29304

I further certify that all parties required by rule to be served have been served
This 8th day of June, 2018.


MARK R. FARTHING
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

June 8, 2018

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Adam Keith Lunsford – Appellate Case No. 2018-000136

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion for Third Extension of Time Within Which to Serve and File Initial Brief of Appellant and Designation of Matter, along with proof of service, for filing in the above-referenced appeal.

Sincerely,

Mark R. Farthing
Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: N. Douglas Brannon & Christopher David Kennedy, Esquires
Victim Advocacy Division