

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Eugene C. Griffith, Jr., Circuit Court Judge

RECEIVED

JUL 19 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

KENNETH ANDREW LYNCH,

APPELLANT

Appellate Case No. 2012-212547

**PETITION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a **final thirty-day extension until August 19, 2013**, in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today having been extended by five prior orders of this Court.

2. **Appellant was charged with capital murder. He was represented by William S. McGuire of the Capital Trial Division of the Commission on Indigent Defense and Benjamin A. Stitley. The trial transcript is approximately 2,312 pages. Based upon Counsel's preliminary review of the file, it appears Appellant waived his**

right to a jury trial and proceeded to trial before the Honorable Eugene C. Griffith, Jr. on April 16, 2012. The state introduced over two hundred exhibits, and Appellant introduced almost one hundred exhibits. Additionally, Counsel had six oral arguments during the first two weeks in June 2013. For three of those arguments, counsel served as substitute counsel for an attorney who left the Office of Appellate Defense. Counsel spent a significant amount of time preparing for those oral arguments. Counsel has discussed this request for a sixth extension with Chief Appellate Defender Robert Dudek.

3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Marty Baggett in this Court on July 18, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Matthew Fullbright with this Court on July 16, 2013. Counsel filed the record on appeal in the case of State v. Malik Matthews in this Court on July 11, 2013. Counsel filed the petition for rehearing in the case of State v. Bobby Alexander Gilbert in this Court on July 11, 2013. Counsel filed the petition for writ of certiorari, the Johnson petition for writ of certiorari pursuant to Austin v. State and accompanying appendix in the case of Michael Miller v. State with the Supreme Court on July 11, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Anthony Sanders v. The State of South Carolina with the Supreme Court on July 5, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Santiago Rios v. State with the Supreme Court on June 28, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Eric Brown v. State with the Supreme Court on June 24, 2013. Counsel filed the initial brief of appellant and designation of matter in the

case of State v. Curtis Eugene Land with this Court on or before June 20, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Jerod Swinton in this Court on June 18, 2013. Counsel had an oral argument in the case of State v. Anthony Lounds with this Court on June 12, 2013. Counsel had an oral argument in the case of State v. Willie Poole with this Court on June 11, 2013. Counsel had an oral argument in the case of State v. Bobby Gilbert in this Court on June 11, 2013. Counsel had an oral argument in the case of State v. Leslie Twyman with this Court on June 6, 2013. Counsel had an oral argument in the case of State v. Tyrone Beaty in this Court on June 4, 2013. Counsel had an oral argument in the case of State v. James Moore in this Court on June 5, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Luther Tollie Norris in this Court on May 28, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Matthew W. Gilliard v. State in the Supreme Court on May 22, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Douglas Bret Bishop in this Court on May 21, 2013. Counsel filed the petition for writ of certiorari in the case of State v. Trevee J. Gethers (Cert in the COA) in the Supreme Court on May 15, 2013.

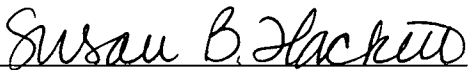
4. This request is made in good faith, and not for purposes of delay.

4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

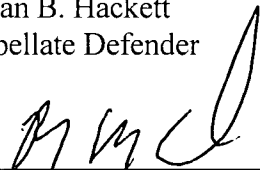
WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until August 19, 2013**, in which to file the initial brief of appellant and designation of matter in this case. Counsel requests that the time limits for filing the initial

brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

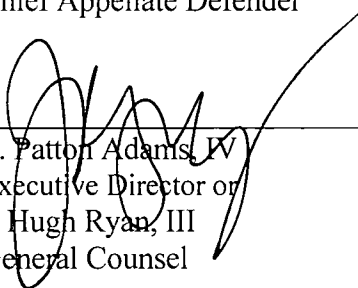
Respectfully submitted,



Susan B. Hackett
Appellate Defender



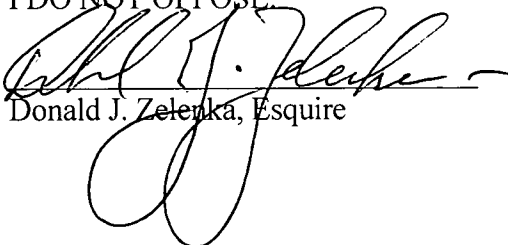
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams, IV
Executive Director of
J. Hugh Ryan, III
General Counsel

July 19, 2013

I DO NOT OPPOSE:



Donald J. Zelenka, Esquire