

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Stephanie P. McDonald, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

KENNETH THOMAS GAHAGAN,

APPELLANT

Appellate Case No. 2012-208388

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

The undersigned counsel respectfully requests an extension for this pool case in which to file the initial brief of appellant and designation of matter in the above-referenced case **until December 2, 2013 consistent with the rules for pool cases** in the Appellate Project. The brief is presently otherwise would be due on September 27, 2013. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served on September 27, 2013.
2. Counsel yesterday, September 4, 2012 filed a merit brief in the murder case of State v. John Hogan with this Court. Counsel is also working on the case of Marion Bowman v. State, a **death penalty** case in the Supreme Court with a 10,000 page appendix. Counsel filed

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the initial brief of appellant and designation of matter in the case of State v. Charles M. Harris in this Court on August 14, 2013. Counsel filed both the initial brief of appellant and designation of matter, and the initial brief of respondent and designation of matter, in the cross-appeal case of State v. Anthony Blakney in this Court on August 7, 2013. Counsel filed the initial brief of appellant (three issue merits brief) and designation of matter in the case of State v. Jason Bauman in this Court on August 2, 2013. Counsel filed a petition for writ of habeas corpus in the Supreme Court's original jurisdiction and accompanying appendix with Co-Counsel David Alexander and Susan Hackett in the case of State v. Curtis Simms in the Supreme Court on August 1, 2013. Counsel went to Allendale Correctional Institution to meet with Juan Orozco regarding the case of State v. Juan Orozco in the Supreme Court on July 31, 2013. Counsel filed the brief of petitioner in the **death penalty** case of John Edward Weik v. State in the Supreme Court on July 30, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antonio Thomas in this Court on July 24, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert Wayne Mitchell in this Court on July 19, 2013. Counsel filed the initial brief of appellant and designation of matter in the murder case of State v. Edward W. Stackhouse, as well as the petition for rehearing in the case of State v. Manuel Antonio Marin, with Co-Counsel David Alexander, both in this Court on July 18, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Richey Lamont Boyd in this Court on July 12, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the **death penalty** case of State v. Stephen Stanko in the United States Supreme Court on July 2, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Derell Green in this Court on June 28, 2013. Counsel filed the brief of petitioner in the case of State v. Beulah Butler in the Supreme Court on

June 24, 2013. **Counsel also has extensive administrative duties as the Chief Appellate**

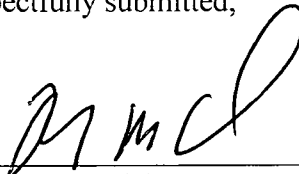
Defender.

3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

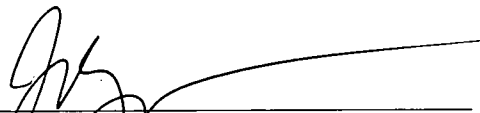
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request an extension **until December 2, 2013 consistent with the rules for pool cases** in the Appellate Project. Counsel respectfully 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,



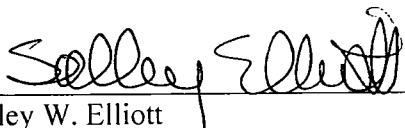
Robert M. Dudek
Chief Appellate Defender



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

September 6, 2013

I DO NOT OPPOSE:



Salley W. Elliott