

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Eugene C. Griffith, Jr., Circuit Court Judge

RECEIVED
SEP 18 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 October 18, 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 six 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 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. Counsel's preparation of the case so far reveals at least six issues preserved for review requiring extensive research, including the scope of a detention and search at the United States Border, implicating specialized provisions of the United States Code. Counsel has discussed this request for a sixth extension with Chief Appellate Defender Robert Dudek. This will be Counsel's last request for an extension.

3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Darryl Drayton on or before September 19, 2013. Counsel filed a petition for rehearing in the case of State v Anthony T. McWilson in the Supreme Court on September 13, 2013. Counsel filed a petition for rehearing in the case of State v Thomas Smith in this Court on September 12, 2013. Counsel filed the final brief of appellant in the case of State v Alexander L. Hunsberger in this Court on September 10, 2013. Counsel filed a brief of appellant and record on appeal in the case of State v. Braquette Wykina Walton in this Court on September 5, 2013. Counsel filed a reply brief in the case of State v Clarence Jenkins in this Court on August 29, 2013. Counsel filed the Return to petition to writ of certiori in the case of State v. Matthew Taylor in the Supreme Court on August 28, 2013. Counsel filed the brief of respondent in the case of Sandra Richardson v. State in this Court on August 26, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix Tyrone Singletary v. State with the Supreme Court August 23, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Brian Jenkins in this Court on August 21,


2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case Eunice McCall v. State in the Supreme Court on August 19, 2013. Counsel participated in the reconstruction hearing in the case of State v. Hascale Simmons in Beaufort County on August 20, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Wayne Stewart Curry in this Court on August 15, 2013. Counsel testified before the Commission on Lawyer Conduct in the Calhoun building on August 14, 2013. Counsel filed the petition for writ of certiorari in the case of State v. Anthony Hackshaw (Cert in the COA) in the Supreme Court on August 9, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Ralph B. Hayes in this Court on August 8, 2013. Counsel filed the initial brief of appellant in the case of State v. Ryan Carl Newman with this Court on July 30, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robert Lee Nelson in this Court on July 29, 2013. Counsel filed the petition for writ of certiorari in the case of State v. Connie Dumas (Cert in the COA) with the Supreme Court on July 25, 2013. Counsel filed the initial reply brief of appellant in the case of State v. Alex Hunsberger with this Court on July 25, 2013. Counsel filed the initial brief of appellant in the case of State v. John Bonner with this Court on July 22, 2013. 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.

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

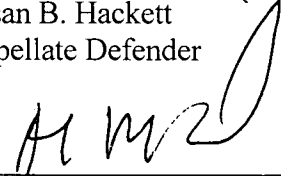
4. As indicated by his consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until October 18, 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.

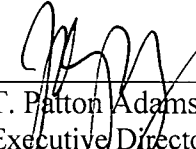
Respectfully submitted,



Susan B. Hackett
Appellate Defender



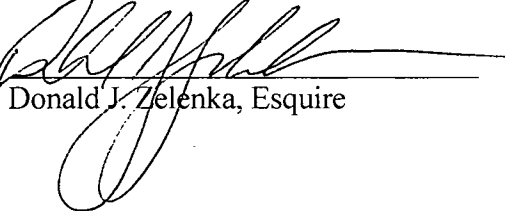
Robert M. Dudek
Chief Appellate Defender



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

September 18, 2013

I DO NOT OPPOSE:



Donald J. Zelenka, Esquire