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Apr 28 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County

Honorable George M. McFaddin, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KENNETH SHAWN BRAGG,

APPELLANT

APPELLATE CASE NO. 2026-000496

PETITION FOR EXTENSION OF TIME TO ORDER TRANSCRIPT

Pursuant to Rule 240, SCACR, the undersigned counsel would respectfully petition for a thirty-day extension in which to order the transcript from the above-referenced case. In support of this petition, the undersigned counsel would submit to the Court the following information.

1. On March 4, 2026, this Court notified the Office of Appellate Defense of the Notice of Intent to Appeal filed by trial counsel per copy of the Initial Letter addressed to trial counsel.

2. On March 9, 2026, the Office of Appellate Defense first contacted trial counsel via e-mail in order to determine whether Appellant is indigent and entitled to representation by the Office of Appellate Defense on appeal. As a result of a subsequent telephone conversation,

trial counsel was sent an Affidavit of Indigency via e-mail and instructed to have Appellant complete and return the Affidavit of Indigency if he desired appointed counsel on appeal. This correspondence is attached to this motion as Exhibit A.

3. On April 1, 2026, this Court notified the Office of Appellate Defense that the time for ordering the underlying transcript had expired. As a result of this notification, the Office of Appellate Defense again contacted trial counsel via e-mail inquiring as to the status of the Affidavit of Indigency. This correspondence is also contained in Exhibit A.

4. On April 9, 2026, the Office of Appellate Defense again contacted trial counsel via e-mail inquiring as to the status of the outstanding Affidavit of Indigency. This correspondence is also contained in Exhibit A. As of today's date, the affidavit of indigency has not been returned to the Office of Appellate Defense in the matter.

5. Therefore, trial counsel has not yet been relieved of his representation of Appellant.

6. To date, the Office of Appellate Defense has not received an Affidavit of Indigency for Appellant and thus has been unable to screen Appellant to determine if he qualifies for representation from the Office of Appellate Defense on appeal. If the Office of Appellate determines that Appellant is indigent, then trial counsel is automatically relieved as counsel but subject to the Supreme Court's administrative order dated December 12, 1997. See Rule 602 (e)(4), SCACR; In the Matter of an Anonymous Member of the Bar, 303 S.C. 306, 400 S.E.2d 483 (1991). If Appellant is determined to be indigent, and eligible for representation by the Office of Appellate Defense as outlined above, the undersigned counsel understands that trial counsel is "[a]utomatically relieved as appellate counsel for the accused, without obtaining leave to withdraw as provided in Rule 264, SCACR." See Rule 602 (e)(3), SCACR. If the Office of

Appellate Defense determines that Appellant is not indigent upon receipt and review of his Affidavit of Indigency, the undersigned counsel understands that “[r]etained counsel shall continue representation of the accused during the appeal, unless granted leave to withdraw under Rule 264, SCACR.” See Rule 602 (e)(4), SCACR.

7. This petition requesting an extension of time in which to order the transcript in question is being submitted in good faith and not for purpose of delay.

WHEREFORE, the undersigned counsel would respectfully petition for a thirty-day extension to allow trial counsel time in which to return the completed, signed, and notarized Affidavit of Indigency so that Appellant may be screened for eligibility for representation from the Office of Appellate Defense.



Wanda H. Carter
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

This 28th day of April, 2026.

EXHIBIT A

From: [Mcinnis, Sara](#)
To: [Arthur K. Aiken](#)
Subject: RE: 2026-000496 The State v. Kenneth S. Bragg
Date: Thursday, April 9, 2026 2:15:00 PM

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SC Court of Appeals

Hi Mr. Aiken,

I wanted to follow up on my email below.

Thanks!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330

From: Mcinnis, Sara
Sent: Wednesday, April 1, 2026 1:59 PM
To: Arthur K. Aiken <art@aikenandhightower.com>
Subject: RE: 2026-000496 The State v. Kenneth S. Bragg

Hi Mr. Aiken,

I hope you're doing well. I wanted to follow up with you on Mr. Bragg's appeal – were you able to speak with him about completing an affidavit of indigency? We were copied on a letter from the Court of Appeals saying the transcript is overdue to be ordered, so you will need to file a motion for an extension of time to request the transcript with the Court of Appeals so he has more time to return his affidavit to us.

Please do not order the transcript because Indigent Defense cannot pay for transcripts ordered by private counsel.

Let me know if you have any questions. Thank you so much!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330

From: Mcinnis, Sara
Sent: Monday, March 9, 2026 3:54 PM
To: Arthur K. Aiken <art@aikenandhightower.com>

EXHIBIT A

Subject: RE: 2026-000496 The State v. Kenneth S. Bragg

Hi Mr. Aiken,

It was good speaking with you earlier. Attached is the affidavit of indigency to be returned to our office if Mr. Bragg wishes for appointed counsel on appeal.

Please let me know if you have any questions. Thanks!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330

From: McInnis, Sara
Sent: Monday, March 9, 2026 3:15 PM
To: Arthur K. Aiken <art@aikenandhightower.com>
Subject: 2026-000496 The State v. Kenneth S. Bragg

Good Afternoon Mr. Aiken,

Our office has received notification from the South Carolina Court of Appeals that you filed a notice of intent to appeal in the above case. Can you please let me know if you were appointed or retained in the lower court? If you were retained, are you being retained for the appeal as well?

Thank you!

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330

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STATE OF SOUTH CAROLINA
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THE STATE,

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V.


KENNETH SHAWN BRAGG,

APPELLANT

APPELLATE CASE NO. 2026-000496

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition for Extension of Time to Order Transcript in the above-referenced case has been served upon Mark Reynolds Farthing, Esquire, and Arthur Kerr Aiken, Esquire at the primary e-mail addresses listed in the Attorney Information System (AIS); this 28th day of April, 2026.



WANDA H. CARTER
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

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Apr 28 2026

Warren, Kaylynn

SC Court of Appeals

From: Warren, Kaylynn
Sent: Tuesday, April 28, 2026 10:34 AM
To: Mark Farthing; Arthur K. Aiken
Cc: Carter, Wanda; Caroline Collins
Subject: 2026-000496 The State v. Kenneth Shawn Bragg
Attachments: 2026-000496 The State v. Kenneth Shawn Bragg Peition for Extension of Time to Order Transcript.pdf

Good Morning,

Attached for service in the above-referenced case is a Petition for Extension of Time to Order the Transcript which will be filed today, April 28, 2026, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330