

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Lexington County  
Eugene Griffith, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KENNETH ANDREW LYNCH,

APPELLANT

NOTICE OF APPEAL

Kenneth Andrew Lynch appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Eugene Griffith, Jr. on May 8<sup>th</sup>, 2012. This appeal taken from the order signed by the Honorable Eugene Griffith on May 28<sup>th</sup>, 2012, which denies appellant's motion for a new trial. See Exhibit A, Motion for New Trial and Order Denying the Defendant's Motion for New Trial.

Respectfully Submitted,

*William McGuire*  
*W.M.*

William McGuire  
State Bar No. 9722  
SCCID, Capital Trial Division  
1330 Lady Street  
PO Box 11433  
Columbia, SC 29211

Ben Stitely  
Williams, Hendrix, Steigener & Brink, PA  
P.O. Box 843  
Lexington, SC 29071  
(803) 359-1550

*Counsel for Mr. Lynch*

Other Counsel of Record  
Donald V. Myers  
11<sup>th</sup> Circuit Solicitor's Office  
PO Box 874  
Lexington, SC 29072

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**SC Court of Appeals**

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U.S. DEPARTMENT OF AGRICULTURE

# EXHIBIT

A

DEATH PENALTY CASE

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF GENERAL SESSIONS  
ELEVENTH JUDICIAL CIRCUIT

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STATE OF SOUTH CAROLINA, )  
 Plaintiff, )  
 v. )  
 KENNETH ANDREW LYNCH, )  
 Defendant. )

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Indictment No.s: 2008-GS-32-2652&2653

FILED  
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 CLERK OF COURT

**MOTION FOR NEW TRIAL**

Comes now, Kenneth Andrew Lynch, through undersigned counsel, and respectfully moves this Court for a new trial. The Defendant was sentenced on Tuesday, May 8<sup>th</sup>, 2012, and on that date was granted ten (10) days within which to file post trial motions.

The Defendant moves for a new trial based on the lack of substantial circumstantial evidence in the prosecution's case in chief at the guilt/innocence phase, and the totality of the evidence at the close of the Defendant's case in chief at the guilt/innocence phase of the Defendant's capital trial. Further, the Defendant bases his motion for a new trial on all objections and motions made *in limine*, and during the guilt/innocence phase of this death penalty trial.

- cc: Box
- cc: Mail
- cc: Person *(Signature)*



Dated this 17<sup>th</sup> day of May, 2012.

Respectfully Submitted,



William McGuire  
State Bar No. 9722  
Erik Drylie  
State Bar No. 100066  
SCCID, Capital  
Trial Division  
1330 Lady Street  
PO Box 11433  
Columbia, SC 29211  
(803) 734-7818

Ben Stitely  
Williams, Hendrix, Steigener  
& Brink, PA  
P.O. Box 843  
Lexington, SC 29071  
(803) 359-1550

*Counsel for Mr. Lynch*

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DEATH PENALTY CASE

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

IN THE COURT OF GENERAL SESSIONS  
ELEVENTH JUDICIAL CIRCUIT

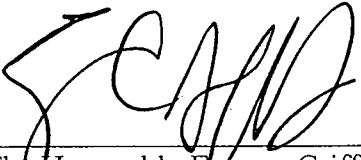
_____	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Indictment No.s: 2008-GS-32-2652&2653
	)	
KENNETH ANDREW LYNCH,	)	
	)	
Defendant.	)	
_____	)	

**ORDER DENYING DEFENDANT’S MOTION FOR NEW TRIAL**

Kenneth Andrew Lynch, through undersigned counsel, respectfully moves this Court for a new trial and for a new sentencing proceeding. This motion is denied.

The Court has considered each ground offered by the Defendant and denies the Defendant’s motion. <sup>1</sup>

IT IS SO ORDERED!

  
\_\_\_\_\_  
The Honorable Eugene Griffith, Jr.  
Circuit Court Judge

<sup>1</sup> This Court acknowledges that the Defense prepared its post trial motions without the benefit of the trial transcript. Failure to specifically argue an issue properly preserved at trial does not operate as a waiver of those issues.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Lexington County  
Eugene Griffith, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

v.

KENNETH ANDREW LYNCH,

APPELLANT

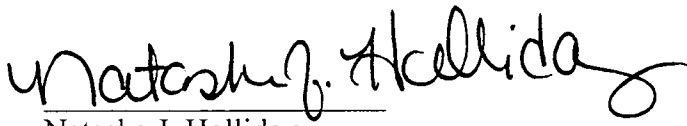
CERTIFICATE OF SERVICE

I, Natasha J. Holliday, do hereby certify that I have this date, 4<sup>th</sup>, of June, 2012, served appellant's Notice of Appeal upon counsel for Respondent by hand delivering the same to:

Donald V. Myers  
11<sup>th</sup> Circuit Solicitor's Office  
205 East Main Street  
Lexington, SC 29072

Alan Wilson  
SC Attorney General  
1000 Assembly Street  
Columbia, SC 29201

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**SC Court of Appeals**

  
Natasha J. Holliday



Capital Trial Division  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201

Telephone: 803.734.7818  
Facsimile: 803.734.1668  
Email: BMcGuire@sccid.sc.gov  
Email: BYoung@sccid.sc.gov  
Email: CSecor@sccid.sc.gov  
Email: Nholliday@sccid.sc.gov

William S. McGuire, Chief Attorney  
S. Boyd Young, Deputy Attorney  
Casey Secor, Trial Attorney  
Natasha J. Holliday, Paralegal

June 4, 2012

VIA HAND DELIVERY

The Honorable Tanya A. Gee  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *State v. Kenneth Andrew Lynch*, Indictment No(s): 2008-GS-32-2652&2653

Dear Ms. Gee:

Please find enclosed, with proof of service, the original and one copy of Appellant's Notice of Appeal in the above-referenced case.

If you should have any questions, please do not hesitate to contact this office.

Sincerely yours,

William S. McGuire

Enclosure

cc: Honorable Beth Carrigg, Clerk of Court for Lexington County  
Donald V. Myers, 11<sup>th</sup> Circuit Solicitor  
Alan Wilson, Attorney Generals Office  
Robert M. Dudek, SC Office of Appellant Defense  
Ben Stitely, Esq.

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JUN 04 2012

**SC Court of Appeals**