

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Kristi Lea Harrington, Circuit Court Judge

RECEIVED
Jun 30 2020
SC Court of Appeals

STATE OF SOUTH CAROLINA

RESPONDENT,

V.

KENNETH LAMONT ROBINSON, JR.,

APPELLANT

APPELLATE CASE NO. 2018-001269

PETITION TO EXCEED THE FIFTY-
PAGE LIMIT FOR AN INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel would respectfully request an order allowing her to file an initial brief of appellant and designation of matter in this case in excess of the fifty-page limit imposed by Rule 208(b)(5), SCACR. In support of this motion, counsel would respectfully show the Court:

1. The initial brief of appellant and designation of matter in this case is due on July 1, 2020. At the time of his arrest for murder and related offenses, Appellant was fifteen-years old. Thus, Appellant was charged as a juvenile in Family Court. Thereafter, the state sought to transfer jurisdiction to the Court of General Sessions. Over a three-day period in 2016, the Family Court heard from numerous witnesses regarding the state's request to transfer jurisdiction. The transcripts from the hearing totaled 614 pages. Ultimately, the judge transferred jurisdiction to the Court of General Sessions. Appellant's trial proceeded from February 12-22, 2018. The jury convicted

Appellant of murder and other offenses. The trial transcripts totaled 1,652 pages. In light of Appellant's age, his sentencing proceeding was deferred in order for Appellant to receive a constitutionally mandated hearing pursuant to *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). Appellant's sentencing hearing occurred June 6-7, 2018, and the transcript totaled 361 pages. Thereafter, Appellant filed a motion for new sentencing based on after-discovered evidence. The transcript of this hearing totaled 43 pages. In all, the transcripts in this case totaled 2,670 pages. Additionally, approximately 400 exhibits were introduced over the course of the proceedings. Finally, numerous meritorious motions and objections were made throughout the transfer hearing, trial, sentencing hearing, and motion for a new sentencing hearing.

2. Counsel intends to raise five meritorious issues bearing on all aspects of the lower court proceedings, including matters addressed during the juvenile transfer proceeding, the trial, the *Aiken* sentencing hearing, and the post-trial motion hearing. The issues on appeal will have very little overlap in the facts and legal considerations. Thus, each issue requires separate factual recitations and legal analyses. Further, several of the issues counsel intends to raise are matters of first impression in South Carolina, requiring extensive legal analyses to support counsel's arguments for how to resolve these novel issues. Counsel does not think that justice can be done to the highly unusual facts of this murder case in the fifty pages authorized by Rule 208(b)(5), SCACR.

3. Consequently, counsel respectfully moves that this Court allow her to file an initial brief of appellant not in excess of one hundred pages. Counsel will make every effort for brevity, and hopefully will be considerably short of that one-hundred-page limit in the final analysis.

4. Opposing counsel, Melody Brown, Esquire, of the Office of the Attorney General, graciously does not oppose this request as indicated in emailed correspondence with undersigned counsel.

WHEREFORE, undersigned counsel respectfully requests an order from this Court granting her the right to exceed the fifty-page limit of Rule 208(b)(5), SCACR. Counsel also requests that the order grant her the right to file an initial brief of appellant not in excess of one-hundred pages.

Respectfully submitted,

s/Susan B. Hackett
Susan B. Hackett
Appellate Defender

Attorney for Appellant

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court’s Order “RE: Operation of the Appellate Courts During the Coronavirus Emergency,” dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to Exceed the Page Limit in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), which is, MBrown@scag.gov, this 30th day of June, 2020.

s/Susan B. Hackett
Susan B. Hackett
Appellate Defender

Attorney for Appellant