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Aug 16 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEVIN J. MCKINNON,

APPELLANT.

APPELLATE CASE NO. 2020-001378

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Kevin J. McKinnon respectfully requests a **fourth and final thirty (30) day extension until September 15, 2021**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today. The Court has granted counsel three previous extensions.
2. Counsel for Kevin J. McKinnon respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. Counsel filed the brief of petitioner in Michael Duran Watson v. The State with the Court of Appeals on August 13, 2021. Counsel filed the brief of appellant and designation of matter in In the Matter of the Care and Treatment of James Ronnie Nichols, Jr with the Court of Appeals on August 11, 2021. Counsel filed the return to petition for writ of certiorari in The State v. M'Andre Cochran with the Supreme Court on August 2, 2021. Counsel filed the petition for rehearing in The State v. Corey Jermaine Brown with the Court of Appeals on July 21, 2021. Counsel, along with co-counsel filed the initial reply brief of appellant and designation of matter in the death penalty case of The State v. Timothy Ray Jones, Jr. with the Supreme Court on June 30, 2021. Counsel filed the initial brief of appellant and designation of matter in The State v. Joseph Randolph Henry with the Court of Appeals on June 17, 2021. Counsel filed a Notice of Appeal in Jason Ervin Black v. The State with the Supreme Court on June 4, 2021.

4. Counsel makes this request in good faith and not for purpose 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.

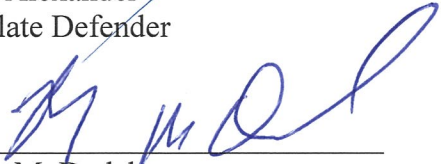
5. On July 29, 2021, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2021.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension** until September 15, 2021, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

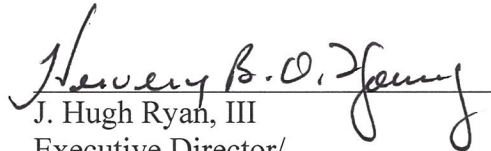
Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervey B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 16th day of August, 2021.

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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 for Extension in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 16th day of August, 2021.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT