

RECEIVED

Sep 15 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 **fifth and final ten (10) day extension until September 27, 2021**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. **Counsel will file before the deadline if at all possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fifth request for an extension. 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.

2. Counsel for Kevin J. McKinnon respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. **After reading the transcript, counsel discovered that another hearing existed. Appellate counsel conferred with trial counsel and learned that this hearing was likely relevant to one or more issues that will be raised on appeal. Counsel immediately ordered an expedited transcript on September 10, 2021. Counsel received the transcript on September 13, 2021.** 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. On September 15, 2021, counsel had an oral argument in The State v. Montrelle Lamont Campbell before the Court of Appeals. Counsel filed the Petition for Writ of Certiorari to the Court of Appeals in The State v. Corey Jermaine Brown with the Supreme Court on August 30, 2021. 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.

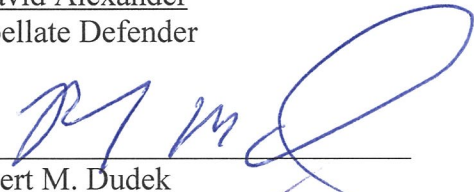
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. On August 27, 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 September 30, 2021.

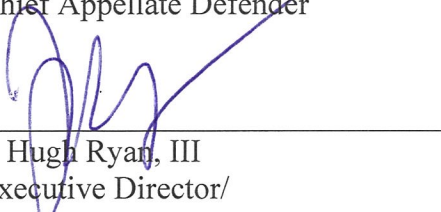
WHEREFORE, the undersigned counsel would respectfully request a **fifth and final ten (10) day extension until September 27, 2021**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances. **Counsel will file before the deadline if at all possible.**

Respectfully submitted,

s/David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



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

This 15th day of September, 2021.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, 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 15th day of September, 2021.

s/David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT