

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Anderson County

Alexander S. Macaulay, Circuit Court Judge

RECEIVED

MAY - 1 2013

S.C. Supreme Court

JAMES E. KENNEDY,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2012-212909

PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND ACCOMPANYING APPENDIX

The undersigned counsel respectfully requests a **final thirty-day extension, until June 3, 2013** in which to file the petition for writ of certiorari and accompanying appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The petition for writ of certiorari and accompanying appendix in this case are due to be served and filed today. **Counsel recognizes that the previous extension for this case was a final extension; however, counsel has been unable to complete this petition for writ of certiorari and accompanying appendix. Counsel acknowledges that a fourth extension request for petition for writ of certiorari and accompanying appendix is in violation of the rules of this Court. Counsel plans to file this petition for writ of certiorari and accompanying**

appendix on May 15, 2013.

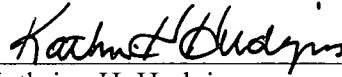
2. On Wednesday, May 1, 2013 Counsel intends to file the Anders brief of appellant and record on appeal in the case of Jacqueline Yvette Sullivan v. State in the Court of Appeals, Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Johnny Frazier in this Court and Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Robert L Foster in this Court. Counsel filed the Anders brief of appellant and record on appeal in the case of Reginald Montgomery v. State in the Court of Appeals on Monday, April 22, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Leon Billups in this Court on Thursday, April 18, 2013. Counsel had an oral argument in the case of James Bowers v. State in the Court of Appeals on Tuesday, April 9, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Robin Reese in the Court of Appeals on Thursday, April 4, 2013. Counsel had an oral argument in the case of State v. Todd Smith in the Court of Appeals on Thursday, April 3, 2013. Counsel had an oral argument in the case of State v. Jeffrey Herman in the Court of Appeals on Tuesday, April 2, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Larry Bradley Brayboy in this Court on Wednesday, March 27, 2013. Counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Danny Ryant in the Supreme Court and Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Marion Stewart in this Court. Counsel filed the brief of appellant pursuant to White v. State in State v. Jamal Lindsey in the Court of Appeals on March 21, 2013; counsel also filed the petition for writ of certiorari and accompanying appendix in the case of State v. Jamal Lindsey in this Court. Counsel filed the Anders brief of appellant and record on appeal in the case of Scott Lee v. State in the Court of Appeals on Wednesday, March 13, 2013.

Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. John B. Campbell in this Court on Monday, March 11, 2013. Counsel filed the Anders brief of appellant and record on appeal in the case of Allen Worthy v. State in the Court of Appeals on Friday, March 8, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Shazjuan S. Shabazz v. State in this Court on Friday, March 1, 2013. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of State v. Joseph Lathan Kelly in this Court. Counsel filed the Anders brief of appellant and record on appeal in the case State v. Jakevian Pulley in the Court of Appeals on Wednesday, February 27, 2013. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Julio Angelo Hunsberger in the Court of Appeals on Friday, February 22, 2013. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Herman Donald McKnight v. State in this Court on Tuesday, February 19, 2013.

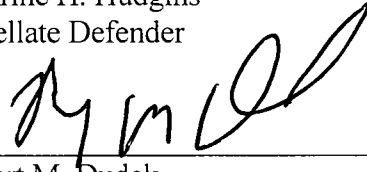
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until June 3, 2013. However as stated above, counsel plans to file this petition for writ of certiorari and accompanying appendix on May 15, 2013.** Counsel respectfully requests that the time limits for filing the petition for writ of certiorari and accompanying appendix be held in abeyance pending a ruling on this motion.

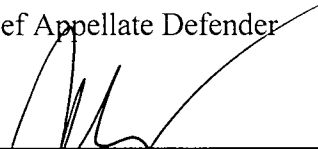
Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender



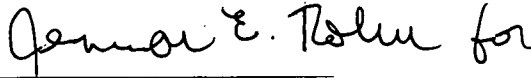
Robert M. Dudek
Chief Appellate Defender



T. Patton Adams
Executive Director
J. Hugh Ryan, III
General Counsel

May 1, 2013

I do not oppose:



John Walt Whitmire