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**Sep 09 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from the Administrative Law Court

Judge Ralph K. Anderson, III, Chief Administrative Law Judge

Appellate Case No. 2022-000965

*Joseph Kelsey, #217218*.....Appellant,

v.

*SCDPPPS*.....Respondent.

**MOTION FOR SECOND EXTENSION OF TIME**

Appellant, Joseph Kelsey, through undersigned counsel, hereby requests an extension of time in which to file and serve his Initial Brief and Designation of Matter, currently due to be filed on September 12, 2022. Specifically, undersigned counsel requests an additional thirty (30) days in which to file the Initial Brief and Designation of Matter, making the filing deadline Wednesday, October 12, 2022. In support of this motion, undersigned counsel would show:

1. On August 10, 2022, this Court granted Appellant’s first request for additional time, extending the deadline for filing his Initial Brief and the Designation of Matter until September 12, 2022.
2. Undersigned counsel sought consent to the above-requested extension of time from counsel for Respondent, but have not yet received a response.

3. Undersigned counsel Hannah Freedman, who is representing Mr. Kelsey on a *pro bono* basis, also represents multiple death-sentenced individuals and several juvenile offenders whose cases have been very active over the past month. Specifically, she is counsel for the plaintiffs in *Owens v. Stirling*, 2021-CP-40-02306, for which she completed post-trial briefing in the past thirty days. She is counsel in the capital post-conviction case *Luzenski Cottrell v. State*, No. 2018-CP-05709, for which she completed production of discovery responses. She is also counsel in *Terry v. Stirling*, No. 21-6151, another capital post-conviction case, in which she has been conducting investigation for an upcoming hearing pursuant to *Atkins v. Virginia*. On September 6, 2022, she represented a juvenile previously facing a waiver petition at a plea hearing in family court.

4. Undersigned counsel Allison Franz, who is also representing Mr. Kelsey on a *pro bono* basis, is counsel on two juvenile pre-waiver cases involving a twelve-year-old and a fourteen-year-old, both accused of murder, for which she has been conducting extensive investigation over the past thirty days in preparation for upcoming waiver hearings. She has also been assisting with investigation on Ms. Freedman's above-cited capital post-conviction cases, *Luzenski Cottrell v. State*, No. 2018-CP-05709, and *Terry v. Stirling*, No. 21-6151, along with trial work in *Owens v. Stirling*, 2021-CP-40-02306.

5. Undersigned counsel John Blume, who is also representing Mr. Kelsey on a *pro bono* basis, is a full-time professor at Cornell Law School in Ithaca, New York and also maintains a heavy consulting load. Over the past month, Professor Blume has been especially busy preparing and beginning his full-time teaching schedule for the start of the semester, including preparation of lectures and cases for clinic students.

6. Undersigned counsel Jon Ozmint is also handling this appeal on a *pro bono* basis. In the past month, Mr. Ozmint has been required to travel extensively, including to New Orleans for five days, to Albany, New York for two days, and to Rhode Island for four days. He has been required at three full-day board meetings. He has also spent significant time regularly traveling from Greenville to Columbia for meetings, including final negotiations in a matter involving public corruption of a state grand jury.

7. For the above reasons, which counsel believe constitute good cause under this Court's order dated March 18, 2009, undersigned counsel requests that this Court extend the deadline for filing the Appellant's Initial Brief and Designation of Matter an additional thirty days, to October 12, 2022.

Respectfully submitted,

/s/ Allison Franz

Allison Franz

Hannah Lyon Freedman

Justice 360

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Appellant’s Motion for Second Extension of Time was served on opposing counsel by e-mail at the address provided in the Attorney Information System: Matthew.Buchanan@ppp.sc.gov. Service was made on September 9, 2022.

/s/Allison Franz

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