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Feb 06 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Clifton Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RODNEY S. KELLEY,

APPELLANT.

APPELLATE CASE NO. 2022-000643

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

Counsel for appellant respectfully requests a thirty (30) day extension, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.
2. Counsel attended the American Bar Association Midyear Meeting in New Orleans from February 2-5, 2023. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Antly Jermaine Scott with the Court of Appeals on February 1, 2023. Counsel

filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Tammy G. Harris v. State with the Supreme Court on January 25, 2023. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Perez Brooks v. State with the Supreme Court on January 17, 2023. Counsel filed the initial brief of appellant and designation in the case of State v. Kendrick Blackwell with the Court of Appeals on January 6, 2023. Counsel filed the Anders brief of appellant in the case of State v. Samuel Aaron with the Court of Appeals on December 21, 2022. Counsel filed the brief of petitioner in the case of Jarret Graddick v. State with the Court of Appeals on December 12, 2022. Counsel filed the petition for writ of certiorari to the Court of Appeals and accompanying appendix in the case of William Bruce Justice v. State with the Supreme Court and Court of Appeals on December 6, 2022. Counsel appeared before the Court of Appeals for Oral Argument in the case of Mitchell Rivers v. State on December 6, 2022.

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.

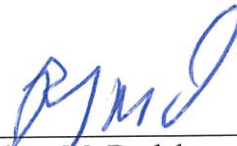
4. On February 1, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through February 28, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension. Counsel respectfully requests that the time limits for serving and filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Taylor D. Gilliam
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 6th day of February, 2023.

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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 6th day of February, 2023.



Taylor D. Gilliam
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Leverett, Scott](#)
To: [SC - BLITCH WILLIAM](#)
Cc: [SC - COLLINS CAROLINE](#); [Gilliam, Taylor](#)
Subject: Rodney S. Kelley - Extension 3 - Appellate Case No. 2022-000643
Date: Monday, February 6, 2023 9:27:00 AM
Attachments: [Rodney S. Kelley - Extension 3 - Appellate Case No. 2022-000643.pdf](#)

Dear Mr. Blitch,

Attached please find a copy of the third extension in the above referenced case that is being filed today, February 6, 2023, with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Taylor Gilliam
Appellate Defense