

**RECEIVED**

**Mar 08 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Lexington County

Clifton Newman, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

RODNEY S. KELLEY,

APPELLANT.

APPELLATE CASE NO. 2022-000643

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

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Counsel for appellant respectfully requests a **fourth and final thirty (30) day extension from March 8, 2022, until April 7, 2023**, 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. This is a fourth 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 appellant 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.

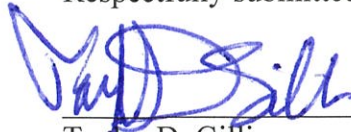
3. Counsel appeared before the Court of Appeals for Oral Argument in the case of Calvin Williams v. State on March 6, 2023. Counsel is attending the South Carolina Bar Board of Governor's Retreat from February 16-18, 2023. Counsel filed the Johnson petition for writ of certiorari and accompanying appendix in the case of Richard Douglas Waldrup v. State with the Supreme Court on February 16, 2023. Counsel filed the Johnson petition for writ of certiorari in the case of Johnny Davis v. State with the Supreme Court on February 10, 2023. 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.

4. On February 28, 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 March 31, 2023.

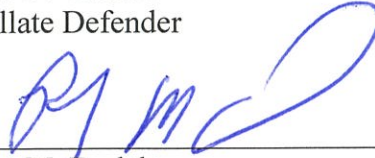
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from March 8, 2023, until April 7, 2023**, in which to serve and file

the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

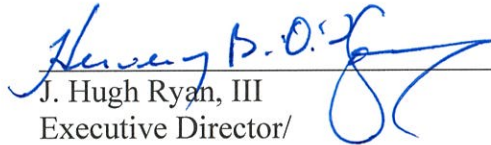
Respectfully submitted,



Taylor D. Gilliam  
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 8th day of March, 2023.

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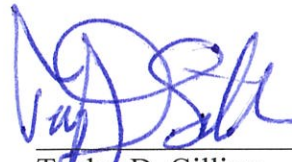
APPELLATE CASE NO. 2022-000643

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CERTIFICATE OF SERVICE

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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 8th day of March, 2023.



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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 4 - Appellate Case No. 2022-000643  
**Date:** Wednesday, March 8, 2023 1:18:00 PM  
**Attachments:** [Rodney S. Kelley - Extension 4 - Appellate Case No. 2022-000643.pdf](#)

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Dear Mr. Blitch,

Attached please find a copy of the fourth extension in the above referenced case that is being filed today, March 8, 2023, with the Court of Appeals.

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