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Aug 24 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RAY L. KELLY,

APPELLANT

APPELLATE CASE NO. 2022-001449

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

Counsel for Ray L. Kelly respectfully requests a thirty (30) day extension from August 24, 2023 until September 25, 2023, 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.
2. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Derrick McIlwain with the Court of Appeals on August 24, 2023. Counsel

submitted a proposed order to Judge Eugene C. Griffith in the remand case of The State v. Terrence O'Neil Frazier on August 15, 2023. Counsel appeared before the Honorable Deadra L. Jefferson via WebEx for reconstruction hearings in the cases of The State v. Marvin Donte Bryan and Breon Alexandre v. The State on August 8, 2023. Counsel filed the Initial Brief and Designation of Matter in the case of The State v. Micah Brown with the Court of Appeals on June 30, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Brandon Johnson with the Court of Appeals on June 19, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Randall Gadson v. The State with the Supreme Court on June 9, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Harold Gene White III with the Court of Appeals on May 30, 2023.

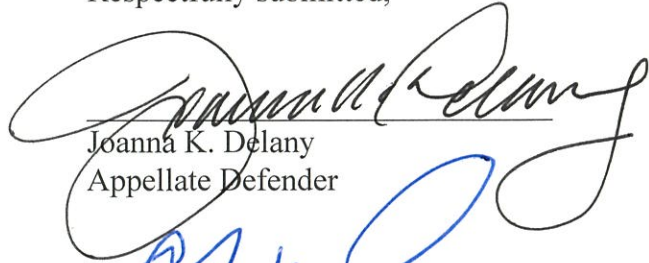
3. This request is made in good faith, and not for purposes of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

4. On August 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 any requests to motions for extensions or out of time filing up to one month for briefs, returns, petitions, appendixes and records on appeal through August 31, 2023.

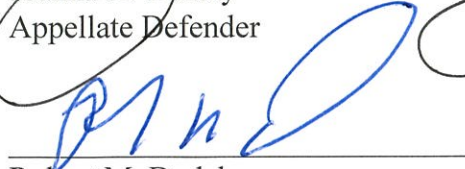
WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from August 24, 2023 until September 25, 2023. Counsel respectfully requests that the time

limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Joanna K. Delany
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 24th day of August, 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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 24th day of August, 2023.


Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Warren, Kaylynn](#)
To: [SC - BROWN MELODY](#)
Cc: [Delany, Joanna](#); [Angela Brown](#)
Subject: 2022-001449 The State v. Ray L. Kelly
Date: Thursday, August 24, 2023 4:14:00 PM
Attachments: [2022-001449 The State v. Ray L. Kelly Third Motion for Extension and COS.pdf](#)

Good Afternoon,

Attached for service in the above-referenced case is the Third Motion for Extension which will be filed today, August 24, 2023, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

Kaylynn Warren

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330