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Sep 25 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 **fourth and final thirty (30) day extension from September 25, 2023 until October 25, 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 Ray L. Kelly 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 her caseload, counsel hopes that no further extension requests will be required.

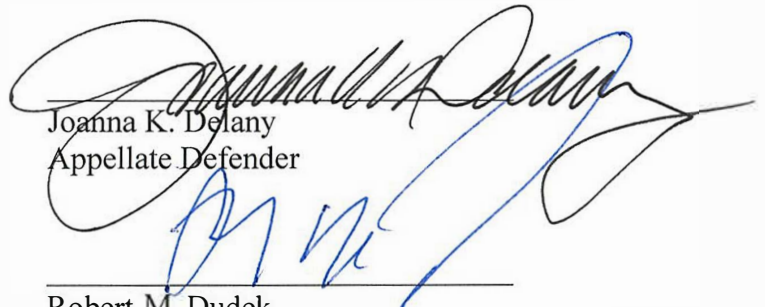
3. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Shemual N. Yisrael with the Court of Appeals on August 30, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Derrick A. McIlwain with the Court 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.

4. Counsel makes this request in good faith and not for purpose 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.

5. On September 1, 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 September 30.

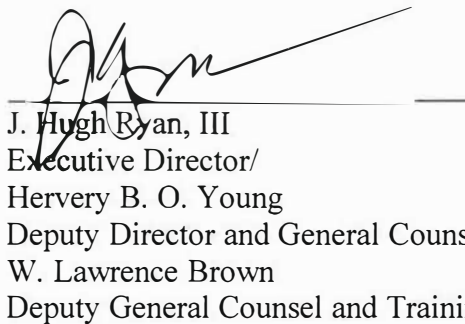
WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from September 25, 2023 until October 25, 2023**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

Respectfully submitted,



Joanna K. Delany
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 25th day of September, 2023.

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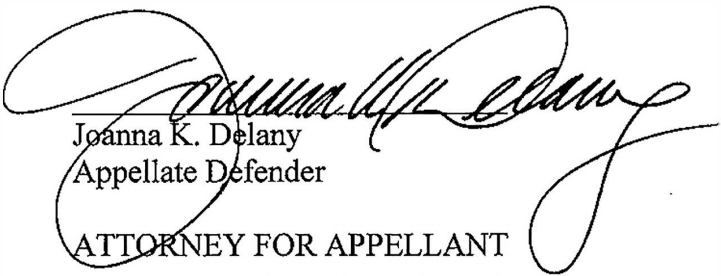
RAY L. KELLY,

APPELLANT

APPELLATE CASE NO. 2022-001449

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 25th day of September, 2023.



Joanna K. Delany
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Mcinnis, Sara](#)
To: mbrown@scag.gov
Cc: abennett@scag.gov; [Delany, Joanna](#)
Subject: 2022-001449 The State v. Ray Kelly Extension 4
Date: Monday, September 25, 2023 8:37:00 AM
Attachments: [2022-001449 The State v. Ray L. Kelly Fourth Motion for Extension.pdf](#)

Good Morning Ms. Brown,

Please find attached the fourth motion for extension in the above-referenced case, which will be filed with the Court of Appeals today via email filing.

Thank you,
Sara

Sara McInnis
Administrative Assistant
South Carolina Commission on Indigent Defense
Appellate Division
(803) 734-1330