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Oct 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 October 25, 2023 until November 24, 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.

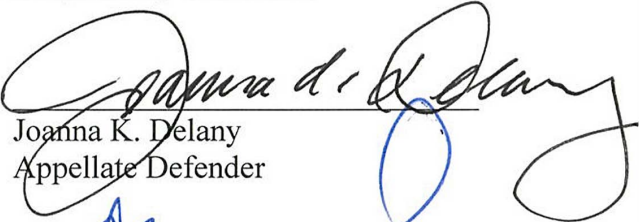
3. Counsel filed the Brief of Petitioner and Appendix in the case of In the Matter of the Care and Treatment of Thomas Griffin with the Supreme Court on October 23, 2023. Counsel attended the Annual South Carolina Public Defender Conference from October 9, 2023 until October 11, 2023. Counsel filed the Return to Petition for Writ of Certiorari in the case of The State v. Anthony Markale Porterfield with the Supreme Court on September 25, 2023. 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.

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 October 3, 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 October 31.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from October 25, 2023 until November 24, 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.

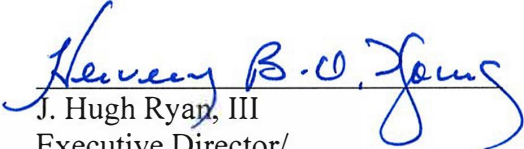
Respectfully submitted,



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 October, 2023.

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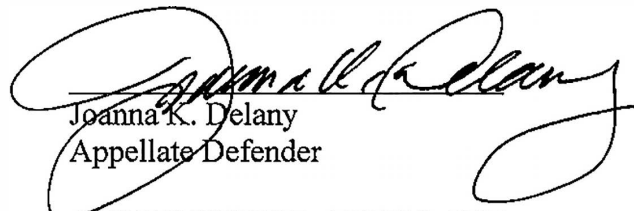
RAY L. KELLY,

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 October, 2023.


Joanna K. Delany
Appellate Defender
ATTORNEY FOR APPELLANT

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

Good Morning Ms. Brown,

Please find attached the fourth motion for extension of time to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This request will be filed with the Court of Appeals today, October 25, via email filing.

Thank you!

Sara McInnis

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