

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County

Honorable G. D. Morgan, Jr., Circuit Court Judge

MICHAEL E. KELLEY II,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-000584

MOTION FOR AN EXTENSION OF TIME
TO FILE THE PETITION FOR WRIT OF CERTIORARI
AND APPENDIX

Counsel for Michael E. Kelley II, respectfully requests an extension of thirty (30) days from October 25, 2023, until November 27, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The Petition for Writ of Certiorari and Appendix are due to be served and filed with the Court today.
2. Counsel for Michael E. Kelley II respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

RECEIVED

Oct 25 2023

S.C. SUPREME COURT

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.

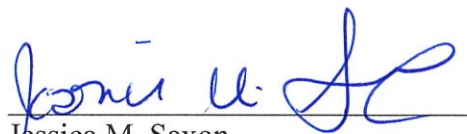
3. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Jodi Stapleton v. The State with the Supreme Court on October 16, 2023. Counsel filed the Initial Brief of Appellant and Designation of Matter in the case of The State v. Douglas S. Turner with the Court of Appeals on October 5, 2023. Counsel filed the Brief of Petitioner in the case of Holly Jo Thompson v. The State with the Court of Appeals on September 28, 2023. Counsel filed the Anders Brief of Appellant and Designation of Matter in the case of The State v. Rishard Lewis Geter with the Court of Appeals on September 22, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Scott Richard Rowan v. The State with the Supreme Court on September 18, 2023. Counsel filed the Anders Brief of Appellant and Designation of Matter in the case of The State v. Preston Hancock with the Court of Appeals on September 15, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Derrick Miller v. The State with the Supreme Court on September 6, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Gene D. Evans, Jr. v. The State with the Supreme Court on August 30, 2023.

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

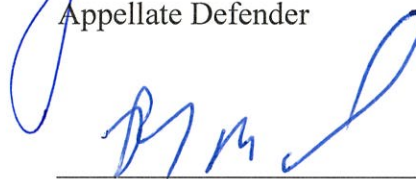
5. On October 3, 2023, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through October 31, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty (30) day extension from October 25, 2023, until November 27, 2023, in which to serve and file the Petition for Writ of Certiorari and Appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for serving and filing the Petition for Writ of Certiorari and Appendix be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Jessica M. Saxon
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

This 25th day of October, 2023.