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**Feb 12 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Greenville County  
The Honorable Edward W. Miller, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

RAY L. KELLY,

APPELLANT.

Appellate Case No. 2022-001449

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**MOTION FOR SECOND EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

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The undersigned counsel would respectfully request a SECOND thirty (30) day extension in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to extension requests through February 29, 2024. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief and Designation of Matter is due to be filed today, February 12, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since January 11, 2024. Specifically:

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Earnest Vaughn vs. Warden Turbeville Correctional Institution, C/A No. 6:23-cv-4220-BHH-KFM on January 11, 2024;
2. Counsel prepared for and attended the Greenville County Post-Conviction Relief term of court scheduled for Wednesday, January 17, 2024. Counsel presented five (5) post-conviction relief matters;
3. Counsel was out of the office on January 22<sup>nd</sup> and January 23, 2024. Counsel was also out of the office on February 6<sup>th</sup> through February 9, 2024 due to family illness;
4. Counsel prepared the Post-Hearing Memorandum of Respondent in the matter of Dwayne C. Tallent, #357180 vs. State of South Carolina, Case No. 2022-CP-23-00973, a Greenville County post-conviction relief matter on January 26, 2024;
5. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #25] in the matter of Anthony Jones vs. S. Jackson Warden, C/A No. 5:23-4879-TMC-KDW, on February 2, 2024;
6. Counsel also filed the Respondent's Reply to Petitioner's Motion Pursuant to Rules 52(b) and 60(b) in the matter of Vernon Goodwin vs. Kenneth Nelsen, Warden of Broad River Correctional Institution, C/A No. 4:21-2051-TMC on February 2, 2024;
7. Counsel also filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #31] in the matter of Earnest Vaughn vs. Warden Turbeville Correctional Institution, C/A No. 6:23-cv-4220-BHH-KFM on February 2, 2024;
8. Counsel is also currently preparing the Initial Brief of Respondent in the matter of The State vs. Quinteris J. Carmichael, Appellate Case No. 2023-000162 and is to be filed today, February 12, 2024; and

9. Counsel has been involved in working **on other matters in state and federal court.**

WHEREFORE, for the following circumstances, counsel respectfully requests a SECOND thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay. This extension will make Respondent's Initial Brief due on March 13, 2024.

Respectfully Submitted,

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Attorney General

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By: s/W. Joseph Maye  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

February 12, 2024.

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Second Extension of Time to File Initial Brief of Respondent and Designation of Matter has been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, February 12, 2024 to [Jdelany@sccid.sc.gov](mailto:Jdelany@sccid.sc.gov) and to her assistant at [kwarren@sccid.sc.gov](mailto:kwarren@sccid.sc.gov).

I further certify that all parties required by Rule to be served have been served.

This 12<sup>th</sup> day of February, 2024.

*s/ Donna D'Alessio*

Donna D'Alessio, Legal Assistant to  
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