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Mar 12 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

THE STATE,

RESPONDENT,

v.

RAY L. KELLY,

APPELLANT.

Appellate Case No. 2022-001449

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

The undersigned counsel would respectfully request a THIRD 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 March 31, 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 tomorrow, March 13, 2024. The undersigned attorney has had a number of state, and federal matters to attend to since February 9, 2024. Specifically:

1. Counsel filed the Initial Brief and Designation of Matter on February 12, 2024, in the matter of The State v. Charles Jason Carmichael, Appellate Case No. 2022-001717, a murder appeal pending in this Court;

2. Counsel filed the Reply to Objections to Report and Recommendations [ECF#19] on February 13, 2024 in the matter of Devin Middleton vs. Shane Jackson, Warden of Lee Correctional Institution, C/A No. 5:22-04647-BHH, a matter pending in the District Court;

3. Counsel filed the Final Brief of Respondent in the matter of The State vs. Zachir D. S. McCall, on February 14, 2024, a Marion County murder appeal, Appellate Case No. 2022-000921, currently pending in this Court;

4. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #27] on February 23, 2024, in the matter of Chris Anthony Liverman vs. SCDC, Warden of Tallahatchie County Correctional Facility, C/A No. 9:23-3205-JD-MHC, a matter pending in the District Court;

5. Counsel filed the Initial Brief and Designation of Matter on March 4, 2024, in the case of The State vs. Quinterious R. Truesdale, Appellate Case No. 2022-000903, a matter pending in this Court;

6. Counsel filed the Respondent's Response to Petitioner's Motion for State Court Records [ECF #36] in the matter of Darrell L. Goss, #305517 vs. Shane D. Jackson, C/A No. 2:23-00722-BHH-MGB on March 11, 2024;

7. Counsel is currently preparing the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #51] in the matter of Michael Wilson Pearson vs. Warden of Evans Correctional Institution, 5:23-cv-2693-CMC-KDW. Same is due to be filed

today, March 12, 2024; as well as the Respondent's Reply to Petitioner's Motion #50 and Respondent's Motion to Strike; and

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

WHEREFORE, for the following circumstances, counsel respectfully requests a THIRD 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 April 12, 2024.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General
S.C. Bar No. 14244

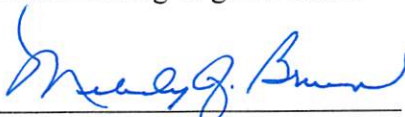
W. JOSEPH MAYE
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By: s/W. Joseph Maye
W. JOSEPH MAYE
ATTORNEYS FOR RESPONDENT

March 12, 2024.

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

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 Third 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, March 12, 2024 to Jdelany@sccid.sc.gov and to her assistant at kwarren@sccid.sc.gov.

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

This 12th day of March, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
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