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Apr 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 FOURTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a FOURTH 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 April 30, 2024. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

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

1. Counsel prepared the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #51], a Reply to Petitioner's Motion [ECF #50], and

Respondent's Motion to Strike in the matter of Michael Wilson Pearson vs. Warden of Evans Correctional Institution, 5:23-cv-2693-CMC-KDW on March 12, 2024;

2. Counsel filed the Respondent's Response in Opposition to Rule 59(e) Motion [ECF #80] in the matter of Darrell L. Goss, Sr., #305517 vs. Warden Shane D. Jackson, C/A No. 2:22-00103-BHH on March 21, 2024;

3. Counsel filed a Motion Conformance of Dates re: Order ruling on Report and Recommendation in this matter on March 25, 2024;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Quincy McCants vs. State of South Carolina, C/A No. 1:23-05377-TMC-SVH on March 29, 2024;

5. Counsel appeared on behalf of the State for oral argument in the matter of The State vs. Royal D. Williams, III, Appellate Case No. 2020-000049 on April 2, 2024 in the South Carolina Court of Appeals;

6. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Sosa M. Croft, Appellate Case No. 2022-001771, a Greenville County murder appeal matter now pending in the South Carolina Court of Appeals on April 5, 2024;

7. Counsel filed the Respondent's Reply to Petitioner's Objections to the Report and Recommendation [ECF #49] in the matter of Chad Stalnaker vs. Warden Martell of MacDougall, C/A No. 5:23-01335-BHH on April 10, 2024;

8. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of George S. Branham, II vs. Bryan Stirling, et al., C/A No. 0:23-745-SAL-PJG, as per TEXT Order [ECF #44] which is being filed today, April 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 FOURTH 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 May 13, 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

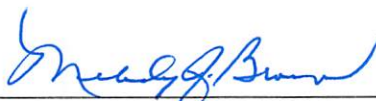
W. JOSEPH MAYE
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S.C. Bar No. 100851

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

April 12, 2024.

I support the finding of extraordinary circumstances.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I further support the finding of extraordinary circumstances.

By: s/ Donald J. Zelenka
DONALD J. ZELENKA
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 Fourth 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, April 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 April, 2024.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
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