

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from the Administrative Law Court  
Honorable S. Phillip Lenski, Administrative Law Judge

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Case No. 2024-001471  
ALC Docket No. 2024-ALJ-15-0002-AP

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JOSEPH KELSEY, # 217218 .....APPELLANT,

v.

SOUTH CAROLINA DEPARTMENT OF  
PROBATION, PAROLE, AND PARDON SERVICES .....RESPONDENT.

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**MOTION FOR SECOND EXTENSION OF TIME**

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Appellant, Joseph Kelsey, by and through undersigned counsel, hereby requests an extension of time in which to serve and file his Initial Brief and Designation of Matter, currently due to be filed on November 6, 2024. Specifically, undersigned counsel requests an additional thirty (30) days in which to file the Initial Brief and Designation of Matter, making the filing deadline December 6, 2024. In support of this motion, counsel would show the following:

1. On October 7, 2024, this Court granted Appellant’s first request for 30 days of additional time, extending the deadline for filing his Initial Brief and Designation of Matter until November 6, 2024.

2. Undersigned counsel has consulted with counsel for Respondent, who consents to the extension request.

3. Undersigned attorneys Franz, Major, and Blume, who represent Mr. Kelsey *pro bono*, represent Richard Moore, who is scheduled to be executed on November 1, 2024. The vast

majority of counsel's time over the past thirty days has been devoted to Mr. Moore's end-stage litigation. Specifically, undersigned counsel filed suit in federal court on October 7, 2024, along with a motion for a preliminary injunction and temporary restraining order, alleging due process violations in Moore's clemency proceedings. The federal court set an expedited briefing schedule on the motion, and counsel completed a reply brief on October 11, 2024 and briefing on the issue of ripeness on October 14, 2024, and participated in a hearing on the motion for preliminary injunction on October 15, 2024. Counsel also prepared a clemency petition, which was filed on October 30, 2024. Additionally, counsel filed a petition for writ of certiorari in the Supreme Court of the United States, raising a *Batson* violation. The State responded to the petition and counsel replied, and the petition remains pending.

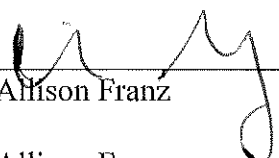
4. In addition to their work on behalf of Mr. Moore, undersigned counsel is involved in some capacity in five upcoming execution cases because counsel's office, Justice 360, functions as a resource center for South Carolina capital cases. As such, undersigned counsel has been spearheading much of the litigation on behalf of all five inmates with upcoming execution dates (Richard Moore, Marion Bowman, Brad Sigmon, Mikal Mahdi, and Steven Bixby), including litigation seeking to obtain additional information about the drugs the Department of Corrections planned to use in the upcoming executions.

5. Further, Attorney Franz is actively preparing for two capital PCR hearings, *Starnes v. State*, No. 2011-CP-32-00830, and *Cottrell v. State*, No. 2018-CP-05709, including appearing at status conferences and conducting investigation. Attorney Major is also preparing and conducting investigation for a capital PCR hearing in *Inman v. State*, No. 2010-CP-39-918, which is scheduled for January 2025. Attorney Blume is a full-time professor at Cornell Law School in

Ithaca, New York, and has maintained a heavy consulting load in addition to teaching doctrinal legal courses this semester.

6. For the foregoing reasons, which counsel believe constitute good cause under this Court's order dated March 18, 2009, undersigned counsel requests that this Court extend the deadline for filing the Appellant's Initial Brief and Designation of Matter an additional thirty days, to December 6, 2024.

Respectfully submitted,



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October 31, 2024.

**RECEIVED**

**Oct 31 2024**

**SC Court of Appeals**

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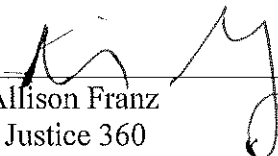
**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a copy of Appellant’s Motion for Second Extension of Time was served on opposing counsel by first-class United States mail, postage prepaid, at the address provided in the Attorney Information System:

Matthew C. Buchanan  
S.C. Department of Probation, Parole and Pardon Services  
PO Box 207  
Columbia, SC 29202

Service was made on October 31, 2024.

  
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