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May 20 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lexington County
The Honorable Brian M. Gibbons, Circuit Court Judge

THE STATE,

Respondent,

v.

WILLIAM ARTHUR KELLY,

Appellant.

Appellate Case No. 2024-001153

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Respondent in the above-referenced case. Opposing counsel, Joanna K. Delany, Esq., has graciously consented to extension requests through May 31, 2025. In support of this motion, counsel would respectfully show the Court the following circumstances:

Respondent's Initial Brief is due to be filed tomorrow, May 21, 2025. The undersigned attorney has had a number of state and federal matters to attend since April 16, 2025. Specifically,

1. Counsel appeared before the South Carolina Court of Appeals for oral argument on behalf of the State in the matter of The State vs. Ray L. Kelly, Appellate Case No. 2022-001449 on Wednesday, April 16, 2025;

2. Counsel prepared the Respondent's objections to the Petitioner's Proposed Order and Respondent's Proposed Order of Dismissal in the matter of Suzanna Brown Simpson, #368727 vs. State of South Carolina, Case No. 2020-CP-39-00617, a Pickens County Post-Conviction Relief matter on April 22, 2025. Same were filed with the Clerk of Court of Pickens County on May 12, 2025;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Randall D. Price vs. Wilfredo Martel, C/A No. 0:24-6947-BHH-PJG on May 5, 2025;

4. Counsel filed a Petition for Rehearing in the matter of The State vs. Tirik J. Johnson-Epps, Appellant Case No. 2023-000179, a Florence County direct appeal matter now pending in the South Carolina Court of Appeals on May 8, 2025;

5. Counsel also filed a Petition for Rehearing in the matter of The State vs. Quinterris J. Carmichael, Appellant Case No. 2023-000162, a Florence County direct appeal matter now pending in the South Carolina Court of Appeals on May 8, 2025;

6. Counsel is currently compiling documents to be forwarded to the State's expert in the Abbeville County, capital post-conviction relief matter of Steven Bixby, #006024 vs. State of South Carolina, Case No. 2024-CP-01-00375; and

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

Due to counsel's involvement in these and other matters pending in state and federal court, counsel for Respondent moves this Court to enlarge the time for filing the initial brief by granting a thirty (30) day extension up to and including June 20, 2025. This request is made in good faith, and not for the purpose of delay.

WHEREFORE, for good cause shown, counsel respectfully requests a 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.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

W. JOSEPH MAYE
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May 20, 2025.

By: *s/ W. Joseph Maye*
ATTORNEYS FOR RESPONDENT

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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 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, May 20, 2025 to jdelany@sccid.sc.gov and to her assistant at smcinnis@sccid.sc.gov.

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

This 20th day of May, 2025.

s/ Donna D'Alessio
Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
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