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Jun 27 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

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 Motion for Leave to File the Third Extension of Time to File Initial Brief of Respondent and Designation of Matter, together with the third extension of time, has been forwarded to Appellant's counsel, Joanna K. Delany, Esq., via email today, June 27, 2025 to idelany@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 27th day of June, 2025.

s/ Donna D'Alessio

Donna D'Alessio, Legal Assistant to
W. Joseph Maye,
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

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Appellant.

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**MOTION FOR THIRD 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 serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extension requests through June 30, 2025. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Friday, June 20, 2025, as per this Court's Order granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since May 2025 when the Court granted Respondent's second extension. Specifically:

1. Counsel prepared a litigation timeline and compiled corresponding 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, May 21, 2025;

2. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Devon Michael Ford vs. Levern Cohen, Warden of Ridgeland Correctional Institution, Case No. 8:25-cv-0593-JD-WSB on Tuesday, May 27, 2025;

3. Counsel prepared and filed the Return to Petition for Writ of Certiorari in the matter of The State v. Charles Jason Carmichael, Appellate Case No. 2025-000686, on May 30, 2025, a matter pending in the South Carolina Supreme Court;

4. Counsel prepared and filed the Reply to Response in Opposition to Motion for Summary Judgment [ECF #35] in the matter of Robert L. O'Shields v Warden of Tyger River, Case No. 5:24-cv-6272-BHH-KDW on June 3, 2025;

5. Counsel prepared and filed the Final Brief of Respondent on June 17, 2025, in the matter of The State v. Stephen D. O'Hara, Appellate Case NO. 2024-000097;

6. Counsel attended the competency to be executed evaluation for inmate John Richard Wood, in the capital murder post-conviction relief action: John Richard Wood v. State of South Carolina, Case No. 2022-CP-23-06219, today, June 18, 2025;

7. Counsel is working on the Initial Brief & Designation of Matter in the matter of The State v. Darius Grant Dickey, Appellate Case No. 2024-000145 due on June 20, 2025 and for which there are no further extensions;

Due to counsel's involvement in these and other matters pending in court, counsel has been unable to timely complete the Initial Brief of Respondent and Designation of Matter.

WHEREFORE, 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
S.C. Bar No: 14244

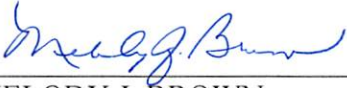
W. JOSEPH MAYE
Assistant Attorney General
S.C. Bar No. 100851

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(803) 734-6305

By: s/W. Joseph Maye
W. Joseph Maye
Assistant Attorney General
ATTORNEYS FOR RESPONDENT

June 20, 2025

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, W. Joseph Maye, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's third Motion for Extension of Time to file the Initial Brief and Designation of Matter has been forwarded to Appellant's counsel, Joanna K. Delany, Esquire, via email today, June 20, 2025 to jdelany@sccid.sc.gov and to her assistant, Sara McInnis at smcinnis@sccid.sc.gov.

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

This is the 20th day of June 2025.

s/W. Joseph Maye
W. Joseph Maye
Assistant Attorney General