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Jul 28 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 FOURTH 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 July 31, 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, Monday, July 28, 2025 as per this Court's Order granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since June 2025 when the Court granted Respondent's second extension. Specifically:

1. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment on June 26, 2025, in the matter of Gerald Edwards vs. Tonya James, Warden, Case No. 5:25-cv-1286-MGL-KDW, a matter pending in this Court;

2. Counsel prepared and filed the Reply to Objections to the Report and Recommendation on July 7, 2025, in the matter of Mickey Markell Johnson v. Warden, Broad River Correctional Institution, Case No. 0:24-1623-TMC-PJG, a matter pending in the this Court;

3. Counsel prepared and filed the Petition for Writ of Certiorari to the Court of Appeals on July 8, 2025 in the matter of The State v. Tirik Jaquan Johnson-Epps, Appellate Case No. 2023-000179, a matter now pending in the South Carolina Supreme Court;

4. Counsel prepared and filed the Petition for Writ of Certiorari to the Court of Appeals on July 8, 2025 in the matter of The State v. Quinterris Javon Carmichael, Appellate Case No. 2023-000162, a matter now pending in the South Carolina Supreme Court;

5. Counsel has been and continues to prepare for the evidentiary hearing in the Capital Post Conviction Relief case of Norman Starnes v. The State of South Carolina, C/A No. 2011-CP-32-830, a matter pending in the Circuit Court set to commence on July 28, 2025. Said efforts have included motions practice, status conference(s), discovery review and production, witness interviews, legal research, record review, etc;

6. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment today, July 21, 2025 in the matter of Devon Michael Ford v. Lavern Cohen, Warden of Ridgeland Correctional Institution, Case No. 8:25-cv-0593-JD-WSB, a matter pending in the District Court;

7. Counsel has been involved in working on other matters in state and federal court and this Motion is made not for the purposes of delay but due to the foregoing.

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.

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


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

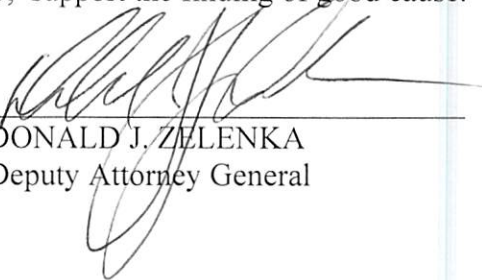
July 28, 2025

[Signature page continues next page]

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I, too, support the finding of good cause.

By: 
DONALD J. ZELENSKA
Deputy Attorney General

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PROOF OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order April 24, 2024, the Fourth Extension of Time to file the Initial Brief and Designation of Matter have been forwarded to Appellant's counsel, Joanna K. Delany, Esquire, via email today, July 28, 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 28th day of July 2025.

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