

44m AFB due 9/17/18

ORIGINAL  
RECEIVED

SEP 17 2018  
SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County  
Thomas Hughston, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KYRIEF DESHAWN LARNELLE KELLY,

APPELLANT

Appellate Case No. 2017-002555

\_\_\_\_\_  
MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for Kyrief Deshawn Larnelle Kelly respectfully requests an extension of **thirty (30) days, until October 17, 2018**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today.
2. Counsel for Kyrief Deshawn Larnelle Kelly respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

✓

number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required. **Due to the order issued by the Governor closing state government offices pursuant to the state of emergency, the Commission on Indigent Defense was closed Tuesday, September 11, 2018, through Friday, September 14, 2018.**

3. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Derrick Stone with this Court on September 6, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John Ziegler v. The State with the Supreme Court on August 30, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. John Perry with this Court on August 29, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Larry Cornish with this Court on August 23, 2018. Counsel filed the return to petition for rehearing in the case of The State v. Jeffrey Andrews with this Court on August 17, 2018. Counsel filed the return to petition for writ of certiorari to the Court of Appeals in the case of The State v. Richard P. Krochmal with the Supreme Court on August 9, 2018. Counsel filed the petition for rehearing in the case of The State v. Jeffrey Andrews with this Court on August 2, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Derrick Darby v. The State with the Supreme Court on August 1, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Ron Santa McCray v. The State with the Supreme Court on July 30, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Marcus Addison v. The State with the Supreme Court on July 23, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Willie Smallwood with this Court on July 18, 2018. **Counsel has extensive administrative duties as the Chief Appellate Defender, including**

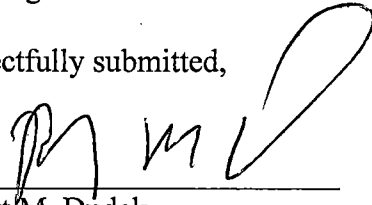
**administrative and Appellate Project oversight, and training two less experienced appellate defenders.**

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

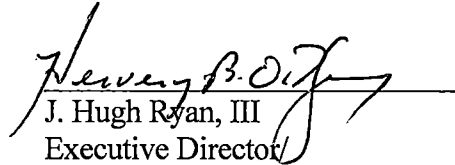
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **thirty (30) day extension, until October 17, 2018**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Robert M. Dudek  
Chief Appellate Defender



J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 17th day of September, 2018.

I consent:

  
J. Benjamin Aplin, Esquire