

5th AIB due 10/17/18

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 a **final extension of thirty (30) days, until November 16, 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. 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. The Court has granted counsel four previous extensions.
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

ORIGINAL
RECEIVED
OCT 17 2018
SC Court of Appeals



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.

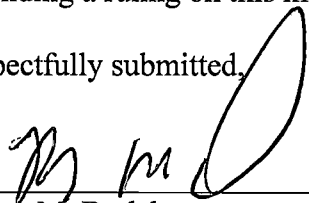
3. Counsel is preparing for an oral argument in the case of The State v. Jalann Williams with the Supreme Court on October 18, 2018. Counsel is filing the initial brief of appellant and designation of matter in the case of The State v. Jamil Ali with this Court today, October 17, 2018. Counsel had an oral argument in the case of The State v. Joseph Bowers with this Court on October 10, 2018. Counsel had an oral argument in the case of The State v. Teresa Ann McCracken-Hall with this Court on October 10, 2018. Counsel had an oral argument in the case of The State v. Ahshaad Owens with this Court on October 9, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Hakeem Edwin with this Court on October 8, 2018. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Quashon Middleton v. The State with the Supreme Court on October 4, 2018. Counsel attended and presented on case law update at the Public Defender Convention in Myrtle Beach, South Carolina from September 24-26, 2018. Counsel filed the initial brief of appellant and designation of matter in the case of The State v. Christopher Michael Jackson with this Court on September 19, 2018. 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.

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.

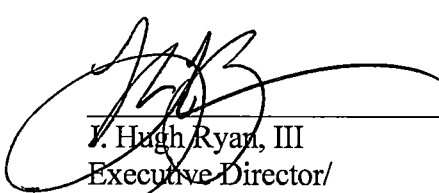
5. Counsel for the Attorney General's office consents to this request shown by signature below.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until November 16, 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,



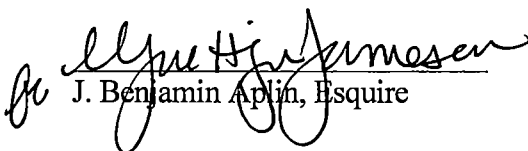
Robert M. Dudek
Chief Appellate Defender



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 October 2018.

I consent:



J. Benjamin Applin, Esquire