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Dec 03 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Florence County

Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOSHUA A. KELLY,

APPELLANT

APPELLATE CASE NO. 2021-000600

MOTION FOR EXTENSION TO FILE
INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

The undersigned counsel respectfully requests a thirty-day extension in which to file the initial brief of appellant and designation of matter in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following extraordinary circumstances:

1. The initial brief of appellant and designation of matter in this case are due to be served and filed today.
2. Counsel filed the reply brief of petitioner in the case of Antonio Sadler v. The State of South Carolina with this Court on November 29, 2021. Counsel filed the petition for rehearing in the case of Dwayne Lee Rudd v. The State of South Carolina with this Court on November 12, 2021. Counsel filed the brief of petitioner in the case of Robert A. Baker v. The State of South Carolina with this Court on October 14, 2021. Counsel filed the brief of petitioner in the case of Antonio Sadler v. The State of South Carolina with this Court on October 14,

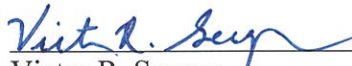
2021. Counsel filed the petition for writ of certiorari and appendix in the case of Gary Z. Thomas v. The State of South Carolina with the Supreme Court on October 1, 2021.

3. This request is made in good faith, and not for purposes of delay.


4. Opposing counsel, the Attorney General's Office, has graciously consented to this extension request by way of the thirty-day general consent granted by email from Deputy Attorney General Donald J. Zelenka dated November 30, 2021 for all Appellate Defense extensions through December 31, 2021.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension. Counsel respectfully requests that the time limits for filing the initial brief of appellant and designation of matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Victor R. Seeger
Appellate Defender



Robert M. Dudek
Chief Appellate Defender

December 3, 2021

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion for an Extension of Time in which to File the Initial Brief of Appellant and Designation of Matter in the above-referenced case has been served upon William M. Blich, Jr., Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 3rd day of December, 2021.



Victor R. Seeger
Appellate Defender

ATTORNEY FOR APPELLANT