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Jan 04 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Florence County

William H. Seals, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

JOSHUA A. KELLY,

APPELLANT.

APPELLATE CASE NO. 2021-000600

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MOTION FOR AN EXTENSION OF TIME TO  
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER

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Counsel for Joshua A Kelly respectfully requests a **fourth and final thirty (30) day extension until February 3, 2022**, in which to serve and file the initial brief of appellant and designation of matter in the above-referenced 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 in this case are due to be served and filed with the Court today.
2. Counsel for Joshua A 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.

3. Counsel filed the initial brief of appellant and designation of matter in the case of State v. George Robert Leach with the Court of Appeals on December 22, 2021. Counsel filed the brief of petitioner in the case of Edward M. Dunn, Jr., v. State with the Court of Appeals on December 20, 2021. Counsel filed the petition for writ of certiorari and appendix in the case of Jermaine Harris v. The State with the Supreme Court on December 10, 2021. Counsel filed the reply brief of petitioner in the case of Antonio Sadler v. The State with the Court of Appeals on November 29, 2021. Counsel filed the petition for rehearing in the case of Dwayne Lee Rudd v State with the Court of Appeals on November 12, 2021.

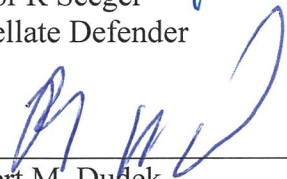
4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

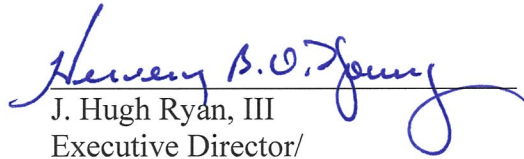
5. On December 29, 2021, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through January 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension until February 3, 2022**, in which to serve and file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances.

Respectfully submitted,

  
\_\_\_\_\_  
Victor R Seeger  
Appellate Defender

  
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Robert M. Dudek  
Chief Appellate Defender

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

This 4th day of January, 2022.

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the motion for extension 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 4th day of January, 2022.

  
\_\_\_\_\_  
Victor R Seeger  
Appellate Defender

ATTORNEY FOR APPELLANT