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Jul 22 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Beaufort County
The Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

Respondent,

v.

JOSEPH DECORIYUS BURTON,

Appellant.

Appellate Case No. 2021-000619

**MOTION FOR THIRD 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 file the Initial Brief of Respondent in the above-referenced case. Opposing counsel has graciously consented to the request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, July 22, 2022 as per this Court's Order dated June 23, 2022 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 23, 2022. Specifically,

1. Counsel filed the *Federal Habeas Corpus Return* in the matter of Robert Wilson Woods v. Warden, Broad River Correctional Institution, on July 7, 2022, C/A No. 1:22-cv-184-DCN-SVH, a case pending in the District Court;
2. Counsel filed the *Reply to Response in Opposition re: Motion for Summary Judgment* on July 13, 2022 in the matter of Daniel Lopez v. Warden, Tyger River Correctional Institution, a federal habeas case pending in the District Court;
3. Counsel prepared and filed on July 14, 2022 *Supplemental Briefing* pursuant to an Order from The Honorable Paige J. Gossett in the matter of Demetrius Price v. Warden Brian Kendall a federal habeas case pending in the District Court;
4. Counsel completed and filed a *Return to Petition for Certiorari* in the South Carolina Supreme Court on July 20, 2022 in the matter of The State v. Gabrielle Oliva Lashane Kocsis;
5. Counsel filed a *Response to a Motion to Stay* on July 21, 2022 in the matter of Tyrus Rashawn Woodruff v. Warden, McCormick Correctional Institution a federal habeas case pending in the District Court;
6. Counsel filed the *Federal Habeas Corpus Return* in the matter of James Abdula Wilson, #339674 v. Warden, Lee Correctional Institution, today July 22, 2022, C/A No. 4:21-cv-782-RBH-TER, a case pending in the District Court;
7. In the instant case, Counsel has mostly completed the brief. In perfecting it, however, Counsel became aware of the need to review *State's Exhibits 15 & 16*, both video surveillance tapes material to the legal arguments of this case. Counsel received these exhibits on July 20, 2022.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

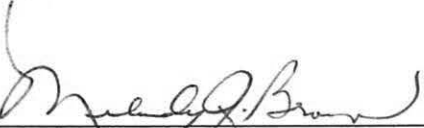
JULIANNA E. BATTENFIELD
Assistant Attorney General
No. 13441

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 
Julianna E. Battenfield
ATTORNEYS FOR RESPONDENT

July 22, 2022.

I support the finding of good Cause

By: 
Melody Jane Brown
Senior Assistant Deputy Attorney General

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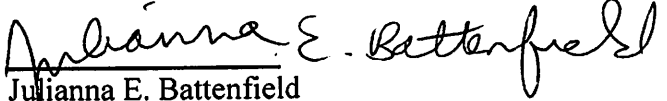
Appellate Case No. 2021-000619

PROOF OF SERVICE

I, Julianna E. Battenfield, counsel for the Respondent, certify that as per the March 20, 2020 Order of the Chief Justice, the Initial Brief of Respondent and Proof of Service have been forwarded to Appellant's counsel, Sarah E. Shipe, via email today, July 22, 2022 to Sshipe@sccid.sc.gov, and Ms. Shipe's legal assistant, Chris Stock Cstock@sccid.sc.gov.

I further certify that all parties required by Rule to be served have been served.

This 22nd day of July 2022.


Julianna E. Battenfield
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

Brandy Rankin

From: Brandy Rankin
Sent: Friday, July 22, 2022 9:00 AM
To: 'Shipe, Sarah'
Cc: 'Stock, Chris'; Julianna Battenfield
Subject: Joseph Decoriyus Burton - Appellate Case No. 2021-000619
Attachments: Third Motion for Extension to file IBOR DOM, Signed, 7-22-22, Joseph Burton (03053843xD2C78).pdf

Dear Ms. Shipe,

Please find attached the Respondent's Third Motion for Extension to file the Initial Brief and Designation of Matter. This document will be filed with the South Carolina Court of Appeals today, July 22, 2022 along with a copy of this email. Have a great weekend!

Sincerely,

Brandy

Brandy Rankin, Legal Assistant
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