

**RECEIVED**

**Nov 28 2022**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Georgetown County  
The Honorable Robert Bonds, Circuit Court Judge

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THE STATE,

Respondent,

v.

TIESH RHUE,

Appellant.

Appellate Case No. 2021-001275

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**MOTION FOR THIRD EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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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 via email. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Monday, November 28, 2022, as per this Court's Order dated November 1, 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 November 1, 2022. Specifically:

1. Counsel filed the *Motion to Dismiss* in the matter of Larry James Tyler v. Director of the Darlington County Detention Center, on November 3, 2022, C/A No. 9:22-cv-1623-MGL-MHC, a case pending in this Court.;
2. Counsel prepared and filed the *Final Brief of Respondent* in the South Carolina Court of Appeals for The State v. Mark Robert Volstromer, Appellate Case No. 2021-000676, on November 8, 2022.
3. Counsel prepared for and presented a three-hour CLE Course to the South Carolina Bar on November 10, 2022;
4. Pursuant to the Honorable Kaymani D. West's Order (ECF 34), Counsel prepared and filed a *Status Report* on November 14, 2022 in the matter of Corey L. Rutledge, #246149 v. Warden of Georgetown County Detention Center, a case pending in this Court;
5. Counsel has been out on extended medical leave.

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

Counsel has much of the instant Brief completed but needs more time to totally complete and perfect the Brief.

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  
S.C. Bar No. 14244

JULIANNA E. BATTENFIELD  
Assistant Attorney General  
Fed. ID No. 13441


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

By: s/Julianna E. Battenfield  
Julianna E. Battenfield

ATTORNEYS FOR RESPONDENT

November 28, 2022.  
Columbia, South Carolina

I support the finding of good cause.

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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THE STATE,

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v.

TIESH RHUE,

Appellant.

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**PROOF OF SERVICE**

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I, Julianna E. Battenfield, as counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the third extension of time to file Initial Brief of Respondent, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, Elizabeth Franklin-Best via email today, November 28, 2022 to [elizabeth@franklinbestlaw.com](mailto:elizabeth@franklinbestlaw.com).

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

This 28th day of November 2022.

s/Julianna E. Battenfield  
Julianna E. Battenfield  
Assistant Attorney General

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Monday, November 28, 2022 9:03 AM  
**To:** elizabeth@franklinbestlaw.com; ranee@franklinbestlaw.com  
**Cc:** Julianna Battenfield  
**Subject:** Tiesh Rhue - 2021-001275 - Third Extension to file Initial Brief and Designation of Matter  
**Attachments:** Third Motion for Extension to file Initial Brief and Designation of Matter, 11-28-22, Tiesh Rhue (03162561xD2C78).pdf  
**Follow Up Flag:** Worldox

Dear Ms. Franklin-Best,

Thank you very much for your consent regarding the attached extension to file the Initial Brief and Designation of Matter. The Extension and Proof of Service will be filed with the South Carolina Court of Appeals today, Monday, November 28, 2022 along with a copy of this email. We hope you had a great Thanksgiving.

Sincerely,

Brandy Rankin

Legal Assistant to Julianna E. Battenfield  
Office of the South Carolina Attorney General  
P. O. Box 11549  
Columbia, South Carolina 29211





**RECEIVED**  
Nov 28 2022  
SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

November 28, 2022

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *The State v. Tiesh Rhue*  
Appeal from Georgetown County  
Appellate Case No. 2021-001275

Dear Ms. Kitchings:

Enclosed for filing please find attached the Third Extension Request to file the Initial Brief of Respondent, Designation of Matter, together with Proof of Service in the above-referenced case. If you should have any questions, please feel free to contact me.

Sincerely,

*s/Julianna E. Battenfield*  
Julianna E. Battenfield  
Assistant Attorney General

JEB/bbr  
Enclosures

cc: Elizabeth Franklin-Best, Esquire (via email only)  
Ranee Saunders, Esquire (via email only)