

RECEIVED

Dec 12 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

Respondent,

v.

NATHANIEL DAVID ROWLAND,

Appellant.

Appellate Case No. 2021-000822

**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 and Designation of Matter in the above-referenced case. Counsel for Appellant has consented to all extension request through December 31, 2022. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, December 12, 2022 as per this Court's Order dated November 14, 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 14, 2022. Specifically,

1. Counsel has been reviewing matters due to his involvement as Chairman on the Office of the Attorney General's Appellate Decision Review Committee. The Committee was formed to review all adverse decisions in Capital, Federal Habeas, Direct Appeals, and Post-Conviction relief matters, and to determine whether the State will appeal these rulings. In the last thirty days, counsel has reviewed the following matters: The State v. Gabriel Betancourt, a Greenville County direct appeal matter; Kareem Harry v. State of South Carolina, a Horry County Post-Conviction Relief matter; and The State v. Michael Frasier, Jr., a Charleston County direct appeal matter;

2. Counsel prepared and filed a Return to Motion for a Stay of Execution and for Appointment of a Post-Conviction Relief Judge in the matter of The State v. Jerome Jenkins, Jr., Appellate Case No: 2019-001280, a Horry County capital case now pending in the South Carolina Supreme Court on November 14, 2022;

3. Counsel prepared and filed a Memorandum in Support of its Motion to Dismiss in the matter of Gary Dubose Terry v. State of South Carolina, C/A No: 2022-CP-32-924, a Lexington County capital post-conviction relief matter on November 21, 2022;

4. Counsel prepared and filed a Petition for Rehearing in the matter of The State v. Devin Jamel Johnson, Appellate Case No: 2019-000938, a Charleston County murder appeal now pending in the South Carolina Court of Appeals on November 28, 2022;

5. Counsel appeared in the Court of Common Pleas on November 30, 2022, for a motion hearing in the matter of Gary Dubose Terry v. State of South Carolina, C/A No: 2022-CP-32-924;

6. Counsel prepared and filed a status report in the matter of James D. Robertson v. Jon Ozmint, C/A No. 2:11-cv-063-TMC-MGB on December 5, 2022; and

7. Counsel prepared and filed a Return to Petition for Writ of Certiorari in the matter of The State v. Malette Kimbrough, Appellate Case No: 2022-001624, a Greenville County murder appeal pending in the South Carolina Supreme Court on December 8, 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

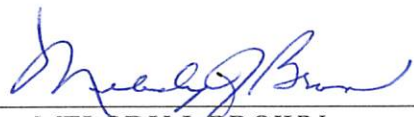
WILLIAM EDGAR SALTER, III
Assistant Attorney General
No. 4806

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

By: s/ William Edgar Salter, III
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

December 12, 2022.

I support the finding of good cause.

By: 

MELODY J. BROWN,
Senior Assistant Deputy Attorney General

RECEIVED

Dec 12 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
The Honorable Clifton Newman, Circuit Court Judge

THE STATE,

Respondent,

v.

NATHANIEL DAVID ROWLAND,

Appellant.

Appellate Case No. 2021-000822

PROOF OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Extension of Time to File the Initial Brief of Respondent and Designation of Matter, along with Certificate of Service has been forwarded to Appellant's counsel, Lara M. Caudy, Esquire, via email today, December 12, 2022 to lcaudy@sccid.sc.gov, and to her assistant Scott Leverett at sleverett@sccid.sc.gov.

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

This 12th day of December, 2022.

s/ Angela Brown
ANGELA BROWN
Legal Assistant to William Edgar Salter, III
Senior Assistant Attorney General