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Jan 11 2023

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 FOURTH 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 January 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, January 11, 2023 as per this Court's Order dated December 13, 2022 granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 13, 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: Thomas Anthony Styla v. State of South Carolina, a Cherokee County Post-Conviction Relief matter and William Oliver Aguilar Pineda v. State of South Carolina, a Richland County Post-Conviction Relief matter.

2. Counsel prepared and filed a Motion to Strike Attachments to the Informal Brief of Appellant in the matter of Marie Assa'ad Faltas v. State of South Carolina and City of Columbia, C/A No: 22-6628, which is pending in the Fourth Circuit Court of Appeals on December 13, 2022;

3. Counsel prepared and filed the Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Roger Williams v. Warden Shane Jackson, Warden of Lee Correctional Institution, C/A No. 9:22-cv-3555-HMH-MHC on December 16, 2022;

4. Counsel prepared and filed the Final Brief of Respondent in the matter of The State v. Denzell Deshawn Jackson, Appellate Case No: 2021-000942, an Aiken County direct appeal matter pending before this court on January 3, 2023;

5. Counsel prepared and filed the status report in the matter of Anthony Woods v. Bryan Stirling and Kenneth Davis, Warden, C/A No. 5:18-cv-00144-DCN-KDW on January 3, 2023; and

6. Counsel prepared and filed the Status Report in the matter of James D. Robertson v. Jon Ozmint, C/A No. 2:11-cv-00063-TMC-MGB on January 5, 2023.

Counsel is in the process of preparing the Return and the Record in the matters of Justin Jermaine Johnson v. Warden, Broad River Correctional Institution, C/A No. 0:22-cv-3210-CMC-PJG and Therron Richardson v. Warden of Kirkland Correctional Institution, C/A No. 9:22-cv-4273-JFA-MHC, both of which counsel anticipate to file January 12, 2023.

Also, counsel was out of the office on sick leave on January 3-4, 2023.

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

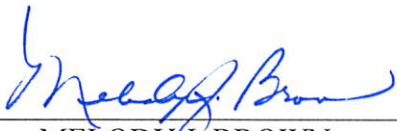
WILLIAM EDGAR SALTER, III
Assistant Attorney General
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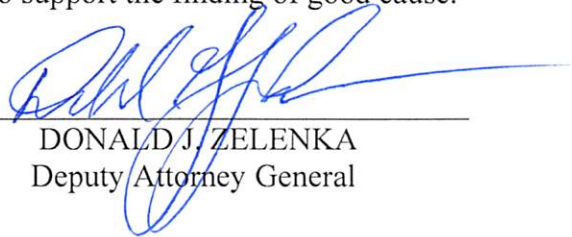
By: s/ William Edgar Salter, III
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

January 11, 2023.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I also support the finding of good cause.

By: 
DONALD J. ZELENKA
Deputy Attorney General

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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, January 11, 2023 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 11th day of January, 2023.

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