

**RECEIVED**

**Feb 09 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE,

Respondent,

v.

NATHANIEL DAVID ROWLAND,

Appellant.

Appellate Case No. 2021-000822

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**MOTION FOR FIFTH 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 and Designation of Matter in the above-referenced case. Counsel for Appellant has consented to all extension request through February 28, 2023. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due Friday, February 10, 2023 as per this Court's Order dated January 13, 2023 granting Respondent's fourth extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since January 13, 2023. Specifically,

1. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Justin Jermaine Johnson v. Warden, Broad River Correctional Institution, C/A No. 0:22-cv-3210-CMC-PJG on January 12, 2023;

2. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Therron Richardson v. Warden of Kirkland Correctional Institution, C/A No. 9:22-cv-4273-JFA-MHC on January 12, 2023;

3. Counsel prepared and filed a Return to Post-Conviction Relief Application in the matter of Jerome Jenkins v. State of South Carolina on January 17, 2023, a capital PCR Action pending in the Horry County Court of Common Pleas;

4. Counsel filed a Petition for Writ of Certiorari and Appendix in the matter of The State v. Devin Johnson, Appellate Case No. 2019-000938, a Charleston County direct appeal matter pending in the South Carolina Supreme Court on January 25, 2023;

5. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Ebon Roberts v. Bryan Stirling, Director of the South Carolina Department of Corrections; and Kenneth Nelson, Warden of Broad River correctional Institution, C/A No. 1:22-cv-369-DCC-SVH on January 26, 2023.

6. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Anthony Lounds v. Warden Charles Williams, C/A No. 2:22-cv-3272-TMC-MGB on February 6, 2023; and

7. 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 February 9, 2023.

Additionally, counsel was out of the office on sick leave on January 23-24, 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,

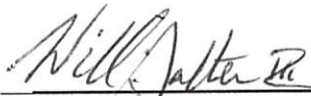
ALAN WILSON  
Attorney General

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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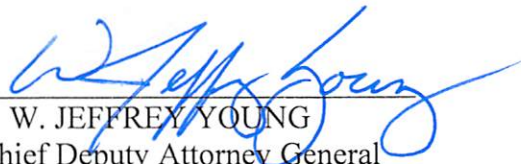
By:   
WILLIAM EDGAR SALTER, III  
ATTORNEYS FOR RESPONDENT

February 9, 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:   
W. JEFFREY YOUNG  
Chief Deputy Attorney General

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**PROOF OF SERVICE**

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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, February 9, 2023 to [lcaudy@sccid.sc.gov](mailto:lcaudy@sccid.sc.gov), and to her assistant Scott Leverett at [sleverett@sccid.sc.gov](mailto:sleverett@sccid.sc.gov).

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

This 9<sup>th</sup> day of February, 2023.

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