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Feb 16 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
Honorable R. Keith Kelly, Circuit Court Judge
Appellate Case No. 2022-000160

THE STATE,

Respondent,

vs.

JOHNATHAN OLIN BATCHELOR,

Appellant.

**MOTION FOR FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter are due to be served and filed on February 16, 2023 pursuant to three previous extensions.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. Since the last extension was requested the undersigned counsel submitted an Initial Brief of Respondent to the Court of

Appeals in State v. Bradley Mark Corlew (2021-000989), a criminal appeal. Likewise, in the past few weeks, the undersigned counsel has submitted the Petitioner's Brief of Respondent/Petitioner to the Court of Appeals in Rodney C. Bryan v. State (2019-001887), a post-conviction relief appeal. The undersigned has completed a rough draft of the nine issues on appeal in this case, but is unable to complete the Initial Brief of Respondent at this time due to the considerable research needed in order to properly prepare this brief.

III.

The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

IV.

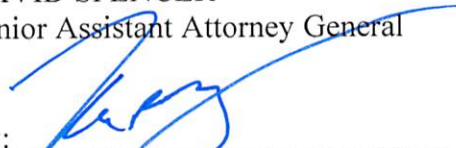
Before filing this extension request, the State has consulted with counsel for Appellant about the matter, and counsel for Appellant has graciously indicated he does not oppose the State's request for an additional extension.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,


ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

By: 
For David Spencer *msf*
S.C. Bar Number 68571

PO Box 11549
Columbia, SC 29211
(803) 734-3970

I have reviewed and approved this extension request.

By: 
William M. Blitch, Jr.
Senior Assistant Deputy Attorney General

By: /s/ Donald J. Zelenka
Donald J. Zelenka
Deputy Attorney General

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PROOF OF SERVICE

I, Anne Mueller, certify I have served the within Motion for Fourth Extension of Time Within Which to Serve and File Initial Brief of Respondent and Designation of Matter electronic mail to Appellant's counsel of record, E. Charles Grose, Jr., Esquire to the address listed for counsel in AIS.

I further certify all parties required by Rule to be served have been served.
This 16th day of February- 2023.



Anne A. Mueller
Legal Assistant

Office Of The Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

From: [Anne Mueller](#)
To: charles@groselawfirm.com
Cc: [David Spencer](#); [Anne Mueller \(amueller@scag.gov\)](mailto:amueller@scag.gov)
Bcc: [Victim Services](#)
Subject: The State v. Johnathan Olin Batchelor, 2022-000160
Date: Thursday, February 16, 2023 11:47:00 AM
Attachments: [image001.png](#)
[Batchelor Johnathan - 2022-000160 - Motion For Fourth Extension \(03222429xD2C78\).PDF](#)

Good morning, Mr. Grose.

Attached to this email is our Motion For Fourth Extension Of Time Within Which To Serve And File Initial Brief Of Respondent And Designation Of Matter.

We will be filing this motion with the Court electronically through AIS One Drive. Thank you very much for consenting to our motion.

Sincerely,

Anne Mueller, Legal Assistant to Senior Assistant Attorney General David Spencer

ANNE A. MUELLER, Legal Assistant
Office of the South Carolina Attorney General
Criminal Appeals Division
Office 803-734-3727
P.O. Box 11549 • Columbia SC 29211
scag.gov



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