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Mar 13 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 SIXTH 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 March 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 to be served and filed today, March 13, 2023 as per this Court's Order dated February 16, 2023 granting Respondent's fifth extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 10, 2023. 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: Vasiliy Chernyak v. State of South Carolina, a Spartanburg County Post-Conviction Relief matter; Gabriel Rios v. State of South Carolina, a Spartanburg County Post-Conviction Relief matter; Cary Ryals v. State of South Carolina, a Berkeley County Post-Conviction Relief matter, and State of South Carolina v. Kenneth Lamont Robinson, a Charleston County murder direct appeal.

2. Counsel prepared and submitted a proposed Order Denying Applicant's Rule 59(e) Motion in the matter of James D. Robertson v. State of South Carolina on February 28, 2023, a capital PCR action pending in the York County Court of Common Pleas;

3. Counsel prepared and filed a status report in the matter of Anthony Woods, v. Bryan P. Stirling et al., C/A No. 5:18-cv-144-DCN-KDW on March 6, 2023; and

4. Further, counsel has done a substantial amount of research for the issues in the matter.

Additionally, counsel has been limited in the ability to work to ill health and a series of cardiac testing order over the last few weeks. Counsel was out of the office on sick leave February 23-27, 2023, and continues to have limited ability to work at the present time. Counsel in consultation with the supervisor of the unit has secured the assistance of another attorney in the unit to address the issues presented in this direct appeal and to file the initial brief of respondent within the time requested in this motion or with limited further extension.

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


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Columbia, South Carolina 29211
(803) 734-6305

s/William Edgar Salter, III

By: _____
WILLIAM EDGAR SALTER, III
ATTORNEYS FOR RESPONDENT

March 13, 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

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, March 13, 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 13th day of March, 2023.

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