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May 04 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Orangeburg County
The Honorable Edgar W. Dickson, Circuit Court Judge

THE STATE,

Respondent,

v.

ROBERT L. BAILEY,

Appellant.

Appellate Case No. 2022-000239

**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 Brief of Respondent and Designation of Matter in the above-referenced case. Opposing counsel has graciously consented to all extension requests through May 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Brief is due tomorrow, Friday, May 5, 2023, as per this Court's Order dated April 7, 2023 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend to since April 7, 2023. Specifically,

1. Counsel prepared and filed on April 5, 2023, the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Sebastian D. Kaisk, Appellate Case No. 2022-000181, an Horry County murder appeal matter now pending in this Court;

2. Counsel prepared and presented Oral Argument on April 6, 2023, in the matter of The State v. Samuel L. Burnside, Appellate Case No. 2020-000133, a murder appeal pending in this Court;

3. Counsel prepared and filed the *Return to Petition for Writ of Certiorari* with the South Carolina Supreme Court on April 12, 2023 in the matter of The State v. Nyquan Tykie Brown, Appellate Case No. 2023-000166;

4. Counsel prepared and filed the *Final Brief of Respondent and Certificate of Compliance* on April 19, 2023, in the matter of The State v. Alexander Rue, Jr., Appellate Case No. 2021-001306 a murder appeal pending in this Court;

5. Counsel filed the *Respondent's Reply to the Response in Opposition to Motion for Summary Judgment* [ECF #32] and *Certificate of Service* on April 24, 2023, in the matter of Curtis T. Johnson, #337543 v. Warden, Allendale Correctional Institution, C/A No. 8:22-cv-03583-TMC-JDA, a Federal Habeas pending in the District Court;

6. Also on April 24, 2023, Counsel filed the *Motion for Summary Judgment*, and *Return and Memorandum of Law in Support of Motion Summary Judgment* in the matter of Faasiu Toese, #363340 vs. Warden, Broad River Correctional Institution, C/A No. 1:22-cv-04436-BHH-SVH, a Federal Habeas pending in the District Court;

7. Counsel filed *Motion for Summary Judgment* and *Return and Memorandum of Law in Support of Motion for Summary Judgment* on May 3, 2023, in the matter of Michael

Thomas vs. Warden Jackson., C/A No. 6:22-cv-3410-TLW-KFM a Federal Habeas pending in the District Court;

8. Counsel attended and studied multiple arguments in the Supreme Court of South Carolina to prepare for upcoming briefs and oral arguments.

9. Counsel has been involved in working on other matters in state and federal court;

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. Opposing Counsel has graciously agreed to all extensions through May 31, 2022. 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

JULIANNA E. BATTENFIELD
Assistant Attorney General
No. 13441
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: s/Julianna E. Battenfield
Julianna E. Battenfield

May 4, 2023.

I support the finding of good cause

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

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THE STATE,

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Appellant.

Appellate Case No. 2022-000239

PROOF OF SERVICE

I, Julianna E. Battenfield, as counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the third extension of time to file Initial Brief of Respondent, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, Kathrine Hudgins, Esq., via email today, May 4, 2023 to KHudgins@sccid.sc.gov, and Ms. Hudgins Legal Assistant, to ChrisStock@sccid.sc.gov.

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

This 4th day of May 2023.

s/Julianna E. Battenfield
Julianna E. Battenfield
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

Brandy Rankin

From: Brandy Rankin
Sent: Thursday, May 4, 2023 9:09 AM
To: Hudgins, Kathrine
Cc: Stock, Chris; Julianna Battenfield
Subject: Third Extension to file Initial Brief and Designation of Matter - The State v. Robert L. Bailey - Appellate Case No. 2022-000239
Attachments: Signed Third Extension to file IBOR DOM, 5-4-23, Robert L. Bailey (03283336xD2C78).pdf; Cover Letter to Third Motion for Extension, 5-4-23, Robert L. Bailey (03283349xD2C78).pdf
Follow Up Flag: Worldox

Dear Ms. Hudgins,

Please find attached the Respondent's third Motion for Extension to file the Initial Brief and Designation of matter. Also attached is the Proof of Service and the Cover Letter to the Court of Appeals. These documents will be filed today, May 4, 2023, along with a copy of this email. We hope this finds you all well.

Sincerely,

Brandy Rankin

Mrs. Brandy Rankin, Legal Assistant to Julianna E. Battenfield
South Carolina Attorney General's Office | Capital Litigation |
Office 803-734-7240 | Fax 803-734-4035 |
P.O. Box 11549 | Columbia, SC 29211



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May 04 2023

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

May 4, 2023

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *The State v. Robert L. Bailey*
Appeal from Orangeburg County
Appellate Case No. 2022-000239

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed tomorrow, May 5, 2023. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am requesting this extension within which to serve and file the Initial Brief of Respondent and Designation of Matter. Opposing counsel has graciously consented to all extensions through May 31, 2023. Opposing counsel will be notified of my request by copy of this letter.

Sincerely,

s/Julianna E. Battenfield
Julianna E. Battenfield
Assistant Attorney General

JEB:brb

cc: Kathrine Hudgins, Esquire (via email only)