

STATE OF SOUTH CAROLINA
In the Court of Appeals

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

RECEIVED

May 19 2023

SC Court of Appeals

THE STATE,

Respondent,

v.

ANTLY JERMAINE SCOTT,

Appellant.

Appellate Case No. 2022-000266

**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 Initial Brief of Respondent 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 Initial Brief of Respondent is due today, Friday, May 19, 2023, as per this Court's Order dated April 21, 2023, granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 21, 2023. Specifically,

1. 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;

2. 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;

3. 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;

4. Counsel filed the *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;

5. Counsel prepared for and presented Oral Argument on May 9, 2023 at 12:00pm in the matter of The State v. Kenneth Ray Gleaton, Appellate Case 2019-002072 a murder appeal pending in this Court;

6. Counsel is working on the Federal Habeas Return in the matter of Scotty M. Brown v. Warden Charles Williams, Perry Correctional Institution, C/A No. 1:23-cv-369-JFA-SVH pending in the District Court which is on second extension and due May 22, 2023;

7. In the instant case, Respondent was just re-assigned this murder appeal on May 16, 2023 and has started the Brief, but needs more time to complete and perfect the Brief;

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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, Sarah Shipe, Esq., via email today, May 19, 2023 to Sshipe@sccid.sc.gov , and Ms. Shipe's Legal Assistant, Hannah Bryant to hbryant@sccid.sc.gov .

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

This 19th 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

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

JULIANNA E. BATTENFIELD
Assistant Attorney General
No. 13441

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Columbia, South Carolina 29211
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By: s/Julianna E. Battenfield
Julianna E. Battenfield

May 19, 2023.

I support the finding of good cause

By: 
MELODY J. BROWN

Senior Assistant Deputy Attorney General