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Jul 17 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Edgefield County
Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

Respondent,

v.

BARRY WAYNE JONES,

Appellant.

Appellate Case No. 2022-000046

**MOTION FOR FIFTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND DESIGNATION OF MATTER**

Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Respondent and Designation of Matter, which is currently due to be filed today, July 17, 2023. Counsel for Petitioner has graciously consented to extension requests through July 31, 2023. This is Respondent's Fifth request for an extension of time in which to file the Brief. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court the following:

1. Counsel filed the *Initial Brief and Designation of Matter* in the matter of The State v. Antly Jermaine Scott, Appellate Case No. 2022-000266, a murder appeal pending in the South Carolina Court of Appeals on June 19, 2023;

2. Counsel filed the *Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgement* on June 21, 2023, in the matter of Larry

James Tyler v. Director of the Darlington County Detention Center, C/A No. 9:22-cv-1623-MGL-MHC, a Federal Habeas pending in this Court;

3. Counsel reviewed the complete file and closed the file on June 22, 2023 in the matter of The State v. Joseph Lamar Brown, Jr., a Charleston County Murder Appeal, Appellate Case No. 2019-000781;

4. Counsel prepared and filed on June 28, 2023, the Respondent's *Response in Opposition to Motion to Stay* [ECF 7] and *Certificate of Service* in the matter of Patrick Dean Lowrance, #353834 vs. Warden Broad River Correctional Institution a Federal Habeas pending in this Court;

5. Counsel filed the *Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgement* on July 5, 2023, in the matter of Brittany Johnson v. Devin Gadson, Warden of Camille Griffin Graham Correctional Institution, C/A No. 4:23-cv-1045-DCC-TER, a Federal Habeas pending in this Court;

6. Counsel will be out of the office on pre-arranged Annual Leave on July 17, 2023 through July 21, 2023.

7. In the instant case, Counsel was just associated on this matter in an effort to complete the briefing without further delay. It is anticipated that no further extensions will be necessary.

Due to counsel's involvement in these and other matters in state and federal court, counsel is unable to complete the Initial Brief of Respondent and Designation of Matter in this action by the due date prescribed. This request is made in good faith, and not for the purposes of delay. Thus, counsel respectfully requests a thirty (30) day extension of time to allow counsel

to complete the Initial Brief of Respondent. This is counsel's second request for additional time to do so.

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent in this matter.

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
Fed. ID No. 13441

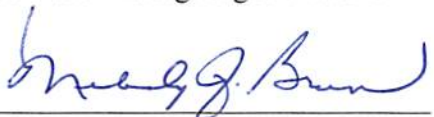
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

By: s/ Julianna E. Battenfield


July 17, 2023.

ATTORNEYS FOR RESPONDENT

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I too support the finding of good cause.

By: 
W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I, Julianna E. Battenfield, Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Petition for Fifth Extension of Time to File Initial Brief of Respondent and Designation of Matter, has been forwarded to Petitioner's counsel, Lara M. Caudy, Esq., via email today, July 17, 2023 to lcaudy@sccid.sc.gov, and to her assistant, Hannah Bryant at hbryant@sccid.sc.gov.

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

This 17th day of July, 2023.

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