

**RECEIVED**

**Aug 18 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Dorchester County  
The Honorable Diane Schafer Goodstein, Circuit Court Judge

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THE STATE,

Respondent,

v.

POLO K. SALAZAR,

Appellant.

Appellate Case No. 2022-001066

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

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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. Opposing counsel has graciously consented to this request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Friday, August 18, 2023 as per this Court's Order dated July 19, 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 July 19, 2023. Specifically:

1. Counsel was out of the office on pre-arranged Annual Leave from July 17, 2023 through July 21, 2023;

2. Counsel prepared and filed the *Initial Brief* followed by the *Amended Initial Brief, & Designation of Matter* July 24, 2023, in the matter of The State v. Clinton Warren Beebe, Appellate Case No. 2022-000627, a murder appeal pending in the South Carolina Court of Appeals;

3. Counsel filed the *Final Brief & Certificate of Compliance* in the matter of The State v. Robert L. Bailey, Appellate Case No. 2022-000239 on July 25, 2023, a murder appeal pending in the South Carolina Court of Appeals;

4. Counsel filed the *Motion for Summary Judgment, and Return and Memorandum of Law in Support of Motion Summary Judgment* in the matter of Antonio L. Robbins vs. Warden, Kershaw Correctional Institution, C/A No. 6:23-cv-01380-JD-KFM on August 4, 2023, a matter pending in the District Court;

5. Counsel filed the *Final Brief & Certificate of Compliance* in the matter of The State v. Antly Jermaine Scott, Appellate Case No. 2022-000266 on August 9, 2023, a murder appeal pending in the South Carolina Court of Appeals;

6. Counsel filed the *Motion for Summary Judgment, and Return and Memorandum of Law in Support of Motion Summary Judgment* in the matter of William Mark Brockmeyer vs. Bryan Stirling, Director of the South Carolina Department of Corrections; and Kirkland Correctional Institution, C/A No. 1:23-cv-01645-BHH-SVH on August 11, 2023, a matter pending in the District Court;

7. Counsel filed the *Return to Petition for Writ of Certiorari* with the South Carolina Supreme Court in the matter of Stephon Ternard Robinson v. The State on August 11, 2023;

8. Counsel filed the *Final Brief & Certificate of Compliance* in the matter of The State v. Devin Zachary Elijah Ruttle, Appellate Case No. 2019-001570 on August 15, 2023, a murder appeal pending in the South Carolina Court of Appeals;

9. Counsel filed the *Return to Petition for Writ of Certiorari* with the South Carolina Supreme Court in the matter of Stephon Ternard Robinson v. The State on August 11, 2023;

10. Counsel filed the *Return to Petition for Writ of Certiorari* with the South Carolina Supreme Court in the matter of The State v. Barry Wayne Jones on August 16, 2023; and

11. Counsel filed the Respondent's *Reply to Response in Opposition to Motion for Summary Judgment* [ECF #15], in the matter of Antonio L. Robbins v. Warden, Kershaw Correctional Institution, C/A No. 4:19-23-TMC-TER, on August 16, 2023.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief and Designation of Matter. Opposing Counsel has graciously agreed to all extensions through August 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  
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By: s/Julianna E. Battenfield  
Julianna E. Battenfield

August 18, 2023.

I support the finding of good cause

By:   
MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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**PROOF OF SERVICE**

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I, **Julianna E. Battenfield**, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Respondent's third Motion for Extension and Proof of Service have been forwarded to Appellant's counsel, Breen R. Stevens, Esq., via email today, August 18, 2023 to [Bstevens@sccid.sc.gov](mailto:Bstevens@sccid.sc.gov), and to his assistant, Scott Leverett to [Sleverett@sccid.sc.gov](mailto:Sleverett@sccid.sc.gov).

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

This 18<sup>th</sup> day of August 2023.

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