

RECEIVED

Oct 11 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
Honorable J. Mark Hayes, II, Circuit Court Judge

THE STATE,

Respondent,

v.

ANIJAH YARNELL,

Appellant.

Appellate Case No. 2023-000571

**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 serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has consented to all extension requests through October 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

The Initial Brief of Respondent and Designation of Matter are due today, October 11, 2023 per this Court's Order dated September 12, 2023 granting Respondent's second extension request. Counsel has not been able to complete the brief within the allotted time, primarily due to case work in other assigned matters, especially the following matters spanning the last 30 days as set out below:

1. Counsel filed the *Final Brief and Certificate of Compliance* in the matter of The State v. Clinton Warren Beebe on September 6, 2023, Appellate Case No. 2022-000627, a matter pending in this Court;
2. Counsel filed the *Reply to Response to Motion for Summary Judgment* in the matter of William Mark Brockmeyer v. Bryan Sterling, Director of the South Carolina Department of Corrections and Kirkland Correctional Institution, C/A No. 1:23-cv-01645-BHH-SVH on September 14, 2023, a matter pending in the District Court;
3. Counsel filed, per the Honorable Mary G. Lewis's Order (ECF 65), the *Status Report* in the matter of Carnie Norris, #227226 vs. Charles Williams, Warden, C/A No. 8:21-cv-03353-MGL-JDA on September 15, 2023, a matter pending in the District Court;
4. Counsel was in Greenville, South Carolina on September 18, 2023 for *Post Conviction Relief Hearings* in the matters of Reynoldo Pimienta v. The State and Braxton Lavon Hare v. The State;
5. Counsel filed the *Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment* in the matter of Timothy Johnson, #370487, a/k/a Timothy L. Johnson v. S. Jackson on September 27, 2023, a matter pending in the District Court;
6. Counsel filed the *Response in Opposition to the Motion for Discovery* on September 29, 2023, in the matter of Michael Thomas v. Warden Jackson, C/A No. 6:22-cv-3410-TLW-KFM, a matter pending in the District Court.
7. Counsel filed the *Final Brief and Certificate of Compliance* in the matter of The State v. Barry Wayne Jones on October 4, 2023, Appellate Case No. 2022-000046, a matter pending in this Court;
8. 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. 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

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: s/Julianna E. Battenfield
Julianna E. Battenfield
ATTORNEYS FOR RESPONDENT

October 11, 2023.

I support the finding of good cause.

By: 
Melody J. Brown
Senior Assistant Deputy Attorney General

RECEIVED

Oct 11 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
Honorable J. Mark Hayes, II, Circuit Court Judge

THE STATE,

Respondent,

v.

ANIJAH YARNELL,

Appellant.

Appellate Case No. 2023-000571

PROOF OF SERVICE

I, Julianna E. Battenfield, 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, Robert Dudek, Esquire at Rdudek@sccid.sc.gov, via email today, October 11, 2023 and to his assistant Shelby Pollard at Spollard@sccid.sc.gov.

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

This 11th day of October 2023.

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