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Nov 13 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 FOURTH 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, Monday, November 13, 2023. Opposing counsel has graciously consented to all extension requests through November 30, 2023. In support of this motion, counsel would respectfully show the Court the following:

1. Counsel filed the *Initial Brief and Designation of Matter* on October 13, 2023 in the case of The State v. Micah Christian Sylve Brown, Appellate Case No. 2022-001605, a matter pending in this Court;
2. Pursuant to the Text Order (ECF 51) of the Honorable Jacqueline D. Austin, Counsel perfected and re-filed the *FHC Return and Motion for Summary Judgment* in the matter of Curtis

T. Johnson v. Warden, Allendale Correctional Institution on October 16, 2023, C/A No. 8:22-cv-3583-TMC-JDA, a matter pending in the District Court;

3. Counsel filed the *Motion for Summary Judgment and Amended Return and Memorandum of Law in Support of Motion for Summary Judgment* in the matter of Rasheed Tamir Glover, #367438, v. Shane Jackson, Warden on November 6, 2023, a matter pending in the District Court;

4. Counsel's section has been assigned Post Conviction Relief cases in the Thirteenth Circuit and Counsel has prepared the following during this week, November 6, 2023, through November 9, 2023: Counsel prepared the *Motion to Dismiss* along with a *Conditional Order of Dismissal* in the matter of James Moore v. The State, Case # 2019-CP-23-00814; Counsel prepared the *Return and Motion to Dismiss* along with a *Conditional Order of Dismissal* in the matter of Jeremy Boyce v. The State, Case # 2019-CP-39-00309; Counsel prepared the *Return and Motion to Dismiss* along with a *Conditional Order of Dismissal* in the matter of Jason Thurmon v. The State, Case # 2019-CP-39-00324; Counsel prepared the *Return and Motion to Dismiss* along with a *Conditional Order of Dismissal* in the matter of Robert Anderson v. The State, Case # 2019-CP-23-03262;

5. Counsel prepared and filed on November 9, 2023, the *Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment* in the matter of Donte Jarod Stokes v. Warden Lieber Correctional Institution, C/A No. 5:23-cv-1594-JD-KDW, a matter pending in the District Court;

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

WHEREFORE, undersigned counsel for Respondent respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Respondent and Designation of 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

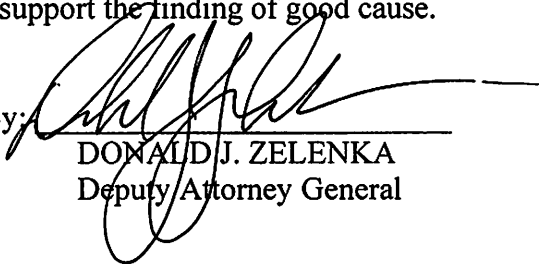
By: s/Julianna E. Battenfield
JULIANNA E. BATTENFIELD
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(803) 734-6305

ATTORNEY FOR RESPONDENT

November 13, 2023.
Columbia, South Carolina

I support the finding of good cause.

By:



DONALD J. ZELENKA
Deputy Attorney General

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PROOF OF SERVICE

I, Julianna E. Battenfield, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fourth Extension to file the Initial Brief of Respondent, Designation of Matter, and Proof of Service have been forwarded to Appellant's counsel, Robert Dudek, Esq., via email today, November 13, 2023 to RDudek@sccid.sc.gov, and to his assistant, Shelby Pollard to SPollard@sccid.sc.gov.

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

This 13th day of November 2023

s/Julianna E. Battenfield
Julianna E. Battenfield

Attorney for Respondent

Brandy Rankin

From: Brandy Rankin
Sent: Monday, November 13, 2023 9:31 AM
To: Dudek, Robert
Cc: spollard@sccid.sc.gov; Julianna Battenfield
Subject: Anijah Yarnell - Fourth Extension to file IBOR&DOM - Appellate Case No. 2023-000571
Attachments: Fourth Extension and POS - 11-13-23, Anijah Yarnell (03434420xD2C78).pdf

Dear Mr. Dudek,

Please find attached the Respondent's Fourth Motion for Extension and Proof of Service. These documents will be filed with the South Carolina Court of Appeals, today, November 13, 2023.

Thank you.

Sincerely,

Brandy Rankin

Brandy Rankin, Legal Assistant
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