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Nov 17 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Fairfield County  
The Honorable Brian M. Gibbons, Circuit Court Judge

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THE STATE,

Respondent,

v.

OSMAN S. SHABAZZ,

Petitioner.

Appellate Case No. 2022-001387

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

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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 Monday, November 20, 2023. Counsel for Petitioner has graciously consented to extension requests through November 30, 2023. This is Respondent's third request for an extension of time in which to file the Initial Brief & Designation of Matter. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court the following:

The Initial Brief of Respondent and Designation of Matter are due today, November 20, 2023, per this Court's Order dated October 18, 2023. 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 *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;

2. Counsel's 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;

3. 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;

4. Counsel prepared and presented *Oral Argument* on November 16, 2023 in the matter of The State v. Kierin M. Dennis, Appellate Case No. 2019-001486, a matter pending in this Court;

5. Counsel has been working on completing the *Final Brief & Certificate of Compliance* in the matter of The State v. Terron G. Dizzley, Appellate Case No. 2022-000671, due on **November 27, 2023**, a matter pending in this Court;

6. Counsel has been working on the *Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment* in the matter of *Otis Robinson v. Warden Broad River Correctional Institution*, due November 27, 2023, and on second extension, a matter pending in the District Court;

7. Counsel has been working on completing the *Final Brief & Certificate of Compliance* in the matter of The State v. Micah Christian Sylve Brown, Appellate Case No. 2022-001605, due on **December 4, 2023**, a matter pending in this Court;

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

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 & Designation of Matter.

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. BATTENFFIELD  
Assistant Attorney General  
State Bar No. 103135

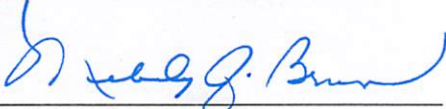
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-6305

November 17, 2023.

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

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, the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Petition for Third Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Proof of Service has been forwarded to Petitioner's counsel, Kathrine H. Hudgins, Esq., via email today, November 17, 2023 to [KHudgins@sccid.sc.gov](mailto:KHudgins@sccid.sc.gov), and to her assistant, Chris Stock at [CStock@sccid.sc.gov](mailto:CStock@sccid.sc.gov).

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

This, the 17<sup>th</sup> day of November 2023.

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

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Friday, November 17, 2023 10:08 AM  
**To:** Hudgins, Kathrine  
**Cc:** Stock, Chris; Julianna Battenfield  
**Subject:** Third Extension to file Initial Brief and Designation of Matter - Osman S. Shabazz - Appellate Case No. 2022-001387  
**Attachments:** Signed Cover Letter to Third Extension Request, Shabazz, (Adobe Version) (03438633xD2C78).pdf; Third Extension to file Initial Brief and Designation of Matter, 11-17-23, Shabazz (03438894xD2C78).pdf  
**Follow Up Flag:** Worldox

Dear Ms. Hudgins,

Please find attached the Respondent's Cover Letter, Third Motion for Extension, and Proof of Service. These documents will be filed with the South Carolina Court of Appeals, today, November 17, 2023 along with a copy of this email. Have a safe and Happy Thanksgiving!

Sincerely,

*Brandy Rankin*

Brandy Rankin, Legal Assistant Julianna E. Battenfield  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
803-734-6305



This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.



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Nov 17 2023

SC Court of Appeals

November 17, 2023

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *The State v. Osman S. Shabazz*  
Appeal from Fairfield County  
Appellate Case No. 2022-001387

Dear Ms. Kitchings:

Please find attached one electronic copy of the Respondent's Third Motion for Extension in which to file the Initial Brief and Designation of Matter in the above-referenced case. If you should have any questions, please feel free to contact me.

Sincerely,

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

JEB/bbr

cc: Kathrine H. Hudgins, Esquire (via email only)