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Nov 28 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Hampton County
The Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

Respondent,

v.

JARVISE TERRELL JENKINS,

Petitioner.

Appellate Case No. 2023-000197

**MOTION FOR THIRD 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, November 28, 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 28, 2023, per this Court's Order dated November 3, 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 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 prepared and filed 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 prepared and filed 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, on November 27, 2023, a matter pending in the District Court;

7. Counsel prepared and filed the *Reply to Response in Opposition to the Re-filed Motion for Summary Judgment* in the matter of Curtis T. Johnson, #337543 v. Warden, Allendale Correctional Institution, C/A No. 8:22-cv-3583-TMC-JDA, a matter pending in the District Court;

8. 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;

9. 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

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

November 28, 2023.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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Appellate Case No. 2023-000197

PROOF OF SERVICE

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 28, 2023 to KHudgins@sccid.sc.gov, and to her assistant, Chris Stock at CStock@sccid.sc.gov.

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

This, the 28th day of November 2023.

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

Brandy Rankin

From: Brandy Rankin
Sent: Tuesday, November 28, 2023 2:37 PM
To: Hudgins, Kathrine
Cc: Stock, Chris; Julianna Battenfield
Subject: Third Extension to file the Initial Brief and Designation of Matter - Jarvise Terrell Jenkins - Appellate Case No. 2023-000197
Attachments: Third Extension to file the Initial Brief and Designation of Matter, 11-28-23, Jenkins (03445344xD2C78).pdf; Signed Cover Letter to Third Extension to file IBOR DOM, 11-28-23, Jenkins (03445351xD2C78).pdf

Dear Ms. Hudgins,

Please find attached the Respondent's Third Extension request to file the Initial Brief and Designation of Matter in the above captioned case. Also enclosed is the Cover Letter and Proof of Service. These documents will be filed with the South Carolina Court of Appeals, today, November 28, 2023.

Sincerely,

Brandy Rankin

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



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Nov 28 2023

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

November 28, 2023
(via electronic submission only)

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

Re: The State v. Jarvise Terrell Jenkins
Appellate Case No. 2023-000197

Dear Ms. Kitchings:

Please find attached the Respondent's Third Extension to file the Initial Brief of Respondent & Designation of Matter in the above appeal. The Initial Brief and Designation of Matter is due to be served and filed today, November 28, 2023. However, due to other professional obligations, I have not had sufficient time to prepare and complete the brief for filing. Therefore, attached, please find the Respondent's Third Motion for Extension of thirty (30) days in which to file the brief. Opposing counsel has consented to all extension requests through November 30, 2023.

Sincerely,

s/Julianna E. Battenfield
Julianna E. Battenfield
Assistant Attorney General
S.C. Bar No. 13441

/bbr

cc: Kathrine H. Hudgins, Esquire (via e-mail only)