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Dec 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 FIFTH 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, December 13, 2023. Counsel for Petitioner has graciously consented to all extension requests through December 31, 2023. This is Respondent's Fifth request for an extension of time in which to file the Brief. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court the following:

1. 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 the South Carolina Court of Appeals;

2. Counsel completed and filed the *Final Brief & Certificate of Compliance* in the matter of The State v. Terron G. Dizzley, Appellate Case No. 2022-000671, on **November 27, 2023**, a matter pending in the South Carolina Court of Appeals;
3. Counsel completed and filed the *Return and Memorandum of Law in Support of Motion for Summary Judgment* with attachments in the matter of Otis Robinson v. Warden Broad River Correctional Institution, on **November 27, 2023**, a matter pending in the District Court;
4. Counsel completed and filed the *Final Brief & Certificate of Compliance* in the matter of The State v. Micah Christian Sylve Brown, Appellate Case No. 2022-001605, on **December 4, 2023**, a matter pending in the South Carolina Court of Appeals;
5. In the matter of Reynoldo Pimienta a/k/a Reynoldo Pimiento v. State, Case No. 2021-CP-23-1789, Counsel, over much of the week of **December 4, 2023**, researched and wrote a memorandum on a legal issue for a circuit court judge, corresponded with opposing counsel and the judge, worked with a court reporter to correct a transcript, and scheduled a future hearing to settle the matter;
6. Counsel prepared and filed the *Reply to the Response in Opposition* on **December 11, 2023** in the matter of Rasheed Tamir Glover v. Shane Jackson, Warden, C/A No. 8:23-cv-03391-SAL-JDA, a matter pending in the District Court;
7. Counsel is working on the *Response Brief* in the matter of Millanyo Woody v. Tucker, Warden, a matter pending in the United States Court of Appeals for the Fourth Circuit which is due **December 27, 2023**;
8. Counsel is working on the *Brief of Respondent* in the matter of The State v. Nyquan Tykie Brown, Appellate Case No. 2023-000166, a case pending in the South Carolina Supreme Court and due **December 27, 2023**.

Due to counsel's involvement in these and other matters in state and federal court, counsel is unable to complete the Initial Brief of Respondent and Designation of Matter in this action by the due date prescribed. 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 of Respondent. This is counsel's second request for additional time to do so.

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. BATTENFIELD
Assistant Attorney General

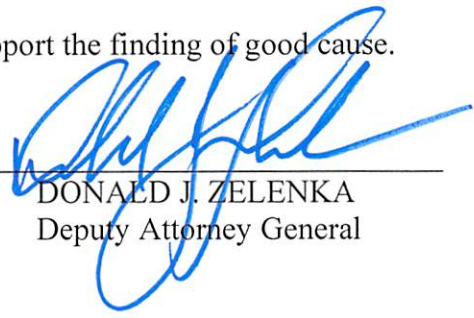
Post Office Box 11549
Columbia, SC 29211
(803) 734-6305

December 13, 2023.

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

I support the finding of good cause.


By:



DONALD J. ZELENKA
Deputy Attorney General

(signature page continued)

I too support the finding of good cause.

By: 

W. JEFFREY YOUNG
Chief Deputy Attorney General

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PROOF OF SERVICE

I, Julianna E. Battenfield, the Appellant, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Petition for Fifth Extension of Time to File Initial Brief of Respondent and Designation of Matter, has been forwarded to Petitioner's counsel, Robert M Dudek, Esq., via email today, December 13, 2023 to rdudek@sccid.sc.gov, 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 13th day of December, 2023.

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

Brandy Rankin

From: Brandy Rankin
Sent: Wednesday, December 13, 2023 9:14 AM
To: Dudek, Robert
Cc: spollard@sccid.sc.gov; Julianna Battenfield
Subject: The State v. Anijah Yarnell - Fifth Motion for Extension to file Initial Brief and Designation of Matter
Attachments: Fifth Extension - Anijah Yarnell (Signed) (03457047xD2C78).pdf
Follow Up Flag: Worldox

Dear Mr. Dudek,

Please find attached the Respondent's Fifth Motion for Extension to file the Initial Brief and Designation of Matter in the above captioned case. These documents will be filed with the South Carolina Court of Appeals, today, Wednesday, December 13, 2023 along with a copy of this email.

Have a great day!

Sincerely,

Brandy Rankin

Brandy Rankin, Legal Assistant to Julianna E. Battenfield
Office of the Attorney General
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