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Dec 20 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

THE STATE,

Respondent,

v.

OSMAN S. SHABAZZ,

Petitioner.

Appellate Case No. 2022-001387

**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, Wednesday, December 20, 2023. Opposing counsel has graciously consented to all extension requests through December 31, 2023. In support of this motion, counsel would respectfully show the Court the following:

1. 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;
2. Counsel completed 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, C/A No. 6:22-cv-01927-MGL-KFM on **November 27, 2023**;

3. 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;

4. Counsel completed and filed the Reply to the *Response in Opposition to Motion for Summary Judgment* 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 this Court.

5. Counsel is working on the *Response Brief* in the matter of Millanyo Woody v. Tucker, Warden, due **December 27, 2023**, Case No. 21-6088, a matter pending in the United States Court of Appeals for the Fourth Circuit;

6. Counsel is working on the *Brief of Respondent* in the matter of The State v. Nyquan Tykie Brown, Appellate Case No. 2023-000166, due on **December 27, 2023**, a matter pending in the South Carolina Supreme Court.

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

This is the fourth request for an extension in which to file the Initial Brief and Designation of Matter. Undersigned counsel has consulted with opposing counsel in this action, who consents to the request for additional time.

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

TOMMY EVANS, JR.
Assistant Attorney General

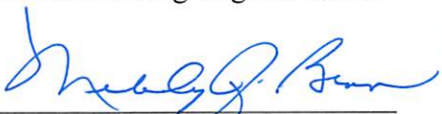
By: s/Julianna E. Battenfield
Julianna E. Battenfield
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

ATTORNEY FOR RESPONDENT

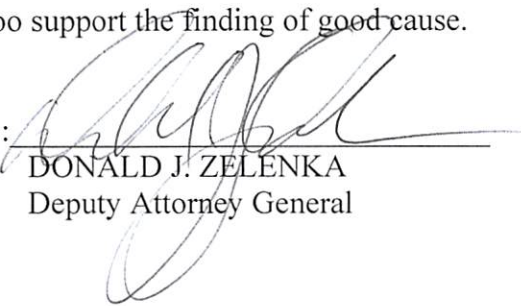
December 20, 2023.
Columbia, South Carolina

[signature block next page]

I support the finding of good cause.

By: 
MELODY J. BROWN
Senior Assistant Deputy Attorney General

I too 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 has been forwarded to Appellant's counsel, Kathrine H. Hudgins, Esq., via email today, December 20, 2023 to KHudgins@sccid.sc.gov, and to her assistant, Chris Stock to CStock@sccid.sc.gov.

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

This, the 20th day of December 2023

s/Julianna E. Battenfield
Julianna E. Battenfield
Post Office Box 11549
Columbia, South Carolina 29211

ATTORNEY FOR RESPONDENT

Brandy Rankin

From: Brandy Rankin
Sent: Wednesday, December 20, 2023 10:32 AM
To: Hudgins, Kathrine
Cc: Stock, Chris; Julianna Battenfield
Subject: Fourth Extension to file the Initial Brief and Designation of Matter - OSMAN S. SHABAZZ - Appellate Case No. 2022-001387
Attachments: Fourth Extension of Time to File Initial Brief of Respondent and DOM, 12-20-23, Shabazz (03463953xD2C78).pdf

Dear Ms. Hudgins,

Please find attached the Respondent's Fourth Motion for Extension to file Initial Brief and Designation of Matter along with the Proof of Service in the above captioned case.

These documents will be filed with the South Carolina Court of Appeals along with a copy of this email. Have safe and Happy Holidays!

Sincerely,

Brandy Rankin

Brandy Rankin, Legal Assistant to Julianna E. Battenfield
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