

RECEIVED

Jan 12 2024

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,

Appellant,

v.

ANIJAH YARNELL,

Respondent.

Appellate Case No. 2023-000571

**MOTION FOR SIXTH EXTENSION OF TIME TO FILE
INITIAL BRIEF OF APPELLANT AND DESIGNATION OF MATTER**

Appellant, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Initial Brief of Appellant and Designation of Matter, which is currently due to be filed today, January 12, 2024. Counsel for the Respondent have graciously consented to all extension requests through December 31, 2023. This is Appellant's Sixth request for an extension of time in which to file the Brief. In support of the request, undersigned counsel for the State would respectfully show unto the Court the following:

1. 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;

2. Counsel prepared and filed the *Motion for Summary Judgment and the Return and Memorandum in Support* for Aryee Henderson v. Jackson, C/A No. 4:23-cv-03458-SAL-TER, a matter pending in the District Court, on **December 14, 2024**;
3. Counsel filed the *Brief of Respondent* in the matter of State v. Nyquan Tykie Brown, Appellate Case No. 2023-000166, on **December 27, 2023**. The Supreme Court of South Carolina has granted a writ of certiorari in the matter;
4. Counsel read over two hundred pages of the *Petitioner's Response in Opposition to the Motion for Summary Judgment* and filed the *Reply* on **January 5, 2024** in LeVan v. State of South Carolina, C/A No. 4:22-cv-03990-MGL-TER, a matter pending the District Court;
5. Counsel prepared and filed the *Opening Response Brief of Respondent-Appellee* for Millanyo Woody v. Warden, Case No. 21-6088, in the Fourth Circuit Court of Appeals on **January 10, 2024**;
6. Counsel is preparing for four PCR hearings scheduled for Tuesday, **January 16, 2024**, in Greenville County.

Due to counsel's involvement in these and other matters in state and federal court, counsel is unable to complete the Initial Brief of Appellant 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 Appellant.

WHEREFORE, undersigned counsel for Appellant respectfully requests an additional extension of thirty (30) days to complete the Initial Brief of Appellant in this matter.

(signature block to follow)

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

January 12, 2024

I support the finding of good cause.

By: 

DONALD J. ZELENKA
Deputy Attorney General

I too support the finding of good cause.

By: 

W. JEFFREY YOUNG
Chief Deputy Attorney General

By: s/Julianna E. Battenfield

ATTORNEY FOR APPELLANT

RECEIVED

Jan 12 2024

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,

Appellant,

v.

ANIJAH YARNELL,

Respondent.

Appellate Case No. 2023-000571

PROOF OF SERVICE

I, Julianna E. Battenfield, Counsel for the Appellant, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Petition for Sixth Extension of Time to File Initial Brief of Appellant and Designation of Matter, have been forwarded to Respondent's counsel, Robert M Dudek, Esq., via email today, January 12, 2024, 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 12th day of January 2024.

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