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Jan 19 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Pickens County
Honorable R. Scott Sprouse, Circuit Court Judge

JASON ERVIN BLACK,

Respondent-Petitioner,

v.

STATE OF SOUTH CAROLINA,

Petitioner-Respondent.

Appellate Case No. 2021-000525

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
BRIEF OF PETITIONER-RESPONDENT**

Petitioner-Respondent, the State, moves this Court for an additional thirty (30) day extension of time in which to file the Brief of Petitioner-Respondent, which is currently due to be filed today, January 19, 2024. Counsel for the Respondent-Petitioner has graciously consented to all extension requests through January 31, 2024. This is Petitioner-Respondent's third 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 attended four PCR hearings on **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 Brief of Petitioner-Respondent 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 Brief of Petitioner-Respondent.

WHEREFORE, undersigned counsel for Petitioner-Respondent, the State respectfully requests an additional extension of thirty (30) days to complete the Brief 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

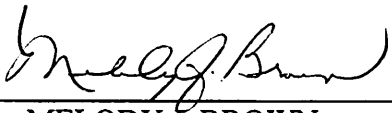
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By: s/Julianna E. Battenfield

ATTORNEY FOR APPELLANT

January 19, 2024

I support the finding of good cause.

By: 

MELODY J. BROWN
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, Julianna E. Battenfield, Counsel for the Petitioner-Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the motion for a third Extension of Time to File Brief of Petitioner-Respondent, has been forwarded to Respondent-Petitioner's counsel, David Alexander, Esq., via email today, January 19, 2024, to dalexander@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 19th day of January 2024.

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