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Mar 21 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

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JASON ERVIN BLACK,

Respondent-Petitioner,

v.

STATE OF SOUTH CAROLINA,

Petitioner-Respondent.

**Appellate Case No. 2021-000525**

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**MOTION FOR FIFTH AND FINAL EXTENSION OF TIME TO FILE  
BRIEF OF PETITIONER ON BEHALF OF PETITIONER-RESPONDENT AND  
APPENDIX**

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Respondent, the State, moves this Court for a fifth and final ten (10) day extension of time up to and including April 1, 2024, in which to file the Brief of Petitioner on behalf of Petitioner-Respondent and Appendix, which is currently due to be filed today, March 21, 2024. Opposing counsel has graciously consented to all extension requests through March 31, 2024. In support of this motion, counsel would respectfully show the Court the following:

1. Counsel completed and filed the Initial Brief of Respondent and Designation of Matter on February 20, 2024, in the matter of The State vs. Osman Shareef Shabazz, Jr., Appellate Case No. 2022-001387, a matter pending in this Court;

2. Counsel phone conferenced on February 21, 2024 with a Solicitor regarding the remand for a new stand your ground hearing following a remand after appeal in the matter of The State v. John William McCarty, 437, S.C. 355, 878 S.E. 2d 902 (2022);

3. Counsel prepared and filed the Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment on February 28, 2024, in the matter of Odom Bryant. Warden, Tallahatchie County Correctional Facility, C/A No. 5:23-cv-05088-JDA-KDW, a Federal Habeas pending in the District Court;

4. Counsel prepared and filed the Response in Opposition to the Motion to Amend on March 6, 2024, in the matter of Larry James Tyler, #3354459 v. Director of the Darlington County Detention Center, C/A No. 9:22-cv-01623-MGL, a matter pending in the District Court;

5. Counsel prepared and filed the Response in Opposition to the Motion for Discovery on March 11, 2024, in the matter of Timothy Johnson, also known as Timothy L. Johnson, #370487 v. S. Jackson, a matter pending in the District Court;

6. Counsel attended a Post Conviction Relief hearing in Spartanburg on March 12, 2024, in the matter of Reynoldo Pimienta aka Reynoldo Pimiento v. The State, Case No. 2021-CP-23-1789;

7. Counsel completed and filed the *Final Brief & Certificate of Compliance* in the matter of The State v. Jarvise Terrell Jenkins, Appellate Case No. 2022-000181, on March 18, 2024, a matter pending in the South Carolina Court of Appeals;

8. Counsel is presenting Oral Argument in the United States Court of Appeals for the Fourth Circuit, in the matter of Millanyo Woody v. Tucker, Warden, No. 21-6088, argument in Richmond, Virginia today, March 21, 2024, at 9:30 am;

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

Due to counsel's involvement in these and other matters in state and federal court, counsel has been unable to complete the Brief of Petitioner-Respondent & Appendix in this action prior to the due date prescribed. This request is made in good faith, and not for the purposes of delay. This is counsel's fifth and final request for additional time to do so.

WHEREFORE, counsel respectfully requests a final ten (10) day extension of time to serve and file Brief of Petitioner on behalf of Petitioner-Respondent and Appendix.

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, South Carolina, 29211  
(803) 734-6305

By: s/Julianna E. Battenfield  
Julianna E. Battenfield  
Attorney for Petitioner-Respondent

March 21, 2024.

I support the finding of good cause.

By: 

Mark Farthing  
Senior Assistant Deputy Attorney General

I too support the finding of good cause.

By: 

W. Jeffrey Young  
Chief Deputy Attorney General

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Appellate Case No. 2021-000525

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**CERTIFICATE OF SERVICE**

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I, Julianna E. Battenfield, Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Fifth and Final Extension to file the Brief of Petitioner on behalf of Petitioner-Respondent, Appendix, and Certificate of Service have been forwarded to Appellant's counsel, David Alexander, Esq., via email today, March 21, 2024 to [DAlexander@sccid.sc.gov](mailto:DAlexander@sccid.sc.gov) and to Mr. Alexander's assistant, Shelby Pollard, [SPollard@sccid.sc.gov](mailto:SPollard@sccid.sc.gov).

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

This 21<sup>st</sup> day of March 2024.

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

## Brandy Rankin

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**From:** Brandy Rankin  
**Sent:** Thursday, March 21, 2024 11:06 AM  
**To:** Alexander, David  
**Cc:** spollard@sccid.sc.gov  
**Subject:** Fifth & Final Motion for Extension to file the Brief of Petitioner on Behalf of Petitioner-Respondent and Appendix - Jason Ervin Black v. State of South Carolina - Appellate Case No. 2021-000525

**Attachments:** Fifth Final Motion for Extension to File Brief of Petitioner on Behalf of Petitioner-Respondent Appendix, 3-21-24, Black (03533553xD2C78).pdf

Dear Mr. Alexander,

Please find attached the Petitioner-Respondent's Fifth and Final Motion for Extension in which to file the Brief of Petitioner on Behalf of Petitioner- Respondent & Appendix. This document will be filed with the South Carolina Court of Appeals, today, March 21, 2024. Thank you.

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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