

**RECEIVED**

**Mar 22 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 TO FILE THE BRIEF OF RESPONDENT ON BEHALF  
OF THE STATE OUT OF TIME AND MOTION FOR A FINAL THIRTY-DAY  
EXTENSION OF TIME**

---

This is a cross-appeal in a PCR case. The Honorable R. Scott Sprouse granted post-conviction relief to Jason Ervin Black on April 5, 2021, and the State timely filed a Rule 59(e), SCRCPC, Motion, which Judge Sprouse denied on May 7, 2021. The State then filed a timely Notice of Appeal with the Supreme Court of South Carolina on May 19, 2021. The State filed its Petition for Writ of Certiorari with the Supreme Court of South Carolina on October 28, 2021, and counsel for Mr. Black, who also timely appealed, filed its cross-Petition for Writ of Certiorari on November 3, 2021. Both parties timely filed returns. The Supreme Court transferred both petitions to this Court on March 30, 2022 under the same above-captioned case number, and this Court granted certiorari for both petitions on October 19, 2023.

Counsel for Mr. Black filed their Brief of Respondent-Petitioner on December 20, 2023.

Counsel Julianna E. Battenfield filed the Notice of Appearance on January 4, 2024. The State has timely filed motions for extension of time for its Brief of Petitioner-Respondent, but due to administrative calendaring error, did not also file corresponding motions for extension of time for its Brief of Respondent (replying to Mr. Black's Brief of Respondent-Petitioner). The State's Brief of Respondent was due to be served and filed with this Court on Friday, January 19, 2024. Counsel for the State respectfully asks the Court for a final 30 (thirty) day extension and leave in which to file the Brief of Respondent out of time.

Opposing counsel has graciously consented to all extensions through March 31, 2024.

WHEREFORE, based on the foregoing, the State respectfully requests the Court for a final thirty-day extension of time, and to grant its motion for leave to file the Brief of Respondent out of time.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
I.D. No. 07979

JULIANNA E. BATTENFIELD  
Assistant Attorney General  
I.D. No. 13441

By: *s/ Julianna E. Battenfield*  
JULIANNA E. BATTENFIELD  
Office of the Attorney General  
P.O. Box 11549  
Columbia, South Carolina 29211  
Telephone: (803) 734-6305

March 22, 2024

**ATTORNEYS FOR PETITIONER-RESPONDENTS**

**RECEIVED**

**Mar 22 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

*Certiorari to Pickens County*

The Honorable John C. Few, Trial Judge  
The Honorable R. Scott Sprouse, Post-Conviction Relief Judge  
Lower Case No. 2013-CP-39-0836

---

JASON ERVIN BLACK,

Respondent-Petitioner,

v.

STATE OF SOUTH CAROLINA,

Petitioner-Respondent.

Appellate Case No. 2021-000525

---

**PROOF OF SERVICE**

---

I, Julianna Battenfield, counsel for the Petitioner-Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to file the Brief of Respondent on behalf of the Petitioner-Respondent Out of Time and Proof of Service have been forwarded to Respondent-Petitioner's counsel, David Alexander, Esq., via email today, March 22, 2024 to [DAlexander@sccid.sc.gov](mailto:DAlexander@sccid.sc.gov), and Mr. Alexander's legal 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 22<sup>nd</sup> day of March 2024.

*s/Julianna E. Battenfield*  
Julianna E. Battenfield  
Assistant Attorney General  
Office of Attorney General  
P. O. Box 11549  
Columbia, South Carolina 29211  
(803) 734-6305

**RECEIVED**

**Mar 22 2024**

**SC Court of Appeals**

**ATTORNEY FOR PETITIONER-RESPONDENT**