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Apr 25 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Beaufort County
The Honorable Bentley Price, Circuit Court Judge

THE STATE,

Respondent,

v.

DEVANTE LAMONT WHITE,

Petitioner.

Appellate Case No. 2022-001793

**MOTION FOR THIRD 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, up to and including May 31, 2024. The brief is currently due to be filed Wednesday, May 1, 2024. Counsel for Petitioner has graciously consented to extension requests through April 30, 2024. This is Respondent's third request for an extension of time in which to file the Initial Brief & Designation of Matter. In support of the request, undersigned counsel for Respondent would respectfully show unto the Court the following:

Counsel has not been able to complete the brief within the allotted time, primarily due to case work in other assigned matters, especially the following matters spanning the last 30 days as set out below:

1. Counsel prepared and filed the Reply to Petitioner's Objections to the Report & Recommendation on March 29, 2024, in the matter of Timothy Johnson, also known as Timothy

L. Johnson, #370487 v. S. Jackson, C/A No: 4:23-cv-1753-SAL, a matter pending in the District Court;

2. Counsel prepared, with assistance, the Brief of Petitioner on Behalf of the Petitioner-Respondent along with the Appendix on April 1, 2024, in the matter of Jason Ervin Black v. State of South Carolina, Appellate Case No. 2021-000525, a cross-appeal pending in this Court;

3. Pursuant to the Text Order given by the Honorable Mary Geiger Lewis on March 28, 2024, Counsel prepared and filed the Status Report on April 1, 2024 in the matter of Carnie Norris, #227226 v. Charles Williams, Warden, C/A No. 5:21-cv-03353-MGL-KDW, a habeas matter pending in the District Court;

4. Counsel completed and filed the *Final Brief & Certificate of Compliance* in the matter of The State v. Osman S. Shabazz, Appellate Case No. 2022-001387, on April 10, 2024, a matter pending in this Court;

5. Counsel prepared and presented Oral Argument in the South Carolina Supreme Court of April 16, 2024, in the matter of The State v. Gabrielle Oliva LaShane Davis-Kocsis, Supreme Court Case No. 2022-000850, a case pending in the South Carolina Supreme Court;

6. Counsel prepared and filed the Initial Brief and Designation of Matter on April 17, 2024, in the case of The State v. Manly M. Thompson, Appellate Case No. 2022-001038, a matter pending in this Court;

7. Counsel, with assistance, filed the Brief of Respondent on Behalf of Petitioner-Respondent in the PCR Appeal on April 22, 2024, in the matter of Jason Ervin Black v. State of South Carolina, Appellate Case No. 2021-000525; a cross-appeal pending in this Court;

8. Counsel prepared and filed the Respondent's Response in Opposition to Motion to Stay Abeyance [ECF 47] on April 24, 2024, in the matter of Timothy Johnson, also known as Timothy L. Johnson, #370487 v. S. Jackson, C/A No: 4:23-cv-1753-SAL, a matter pending in the District Court;

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

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 & Designation of Matter.

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

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

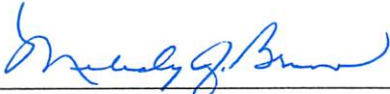
JULIANNA E. BATTENFIELD
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By: *s/ Julianna E. Battenfield*
JULIANNA E. BATTENFIELD
ATTORNEYS FOR RESPONDENT

April 25, 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, the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Petition for Third Extension of Time to File Initial Brief of Respondent and Designation of Matter, and Proof of Service has been forwarded to Petitioner's counsel, Breen Stevens, Esq., via email today, April 25, 2024 to BStevens@sccid.sc.gov, and to his assistant, Scott Leverett at SLeverett@sccid.sc.gov.

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

This, the 25th day of April 2024.

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