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Apr 28 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Greenville County
The Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

Respondent,

v.

SAMUEL LAMAR BURNSIDE,

Appellant.

Appellate Case No. 2020-000133

**MOTION FOR THIRD EXTENSION OF TIME TO FILE
INITIAL BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty (30) day extension in which to serve and file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. Counsel for Appellant has graciously consented to all extension requests up to and including April 30, 2021. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter are due today, April 28, 2021 as per this Court's Order dated March 29, 2021 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 29, 2021. Specifically,

1. Counsel prepared and filed the Initial Brief of Respondent and Designation of Matter in the matter of *The State v. Walter Murrey*, Appellate Case No. 2019-001795, a Sumter County murder direct appeal on April 19, 2021;

2. Counsel prepared and filed the Respondent's Reply to Petitioner's Response in Opposition to Motion for Summary Judgment in the matter of *Alonza Dennis v. Warden of Perry Correctional Institution*, C/A No. 6:20-cv-3973-JD-KFM on April 22, 2021;

3. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of *Reginald Canty, #347341 v. Warden Charles Nelson*, C/A No. 4:21-cv-15-TLW-TER on April 26, 2021;

4. Counsel is currently working on a Return to Petition for Writ of Certiorari in the matter of *The State v. Tyrone Wallace*, Appellate Case No. 2021-000332 due to be filed with the South Carolina Supreme Court on April 29, 2021;

5. Moreover, this matter was originally assigned to another attorney in the unit; however, that attorney has recently left the office and this matter has been re-assigned to me. The undersigned is cognizant that this matter has been extended twice and will work diligently to review the record and prepare the brief; and

6. This motion is not made for the purpose of mere delay, but out of necessity based on the forgoing.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

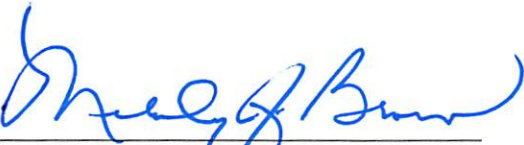
JULIANNA E. BATTENFIELD
Assistant Attorney General
No. 103135

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

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

April 28, 2021.

I support the finding of good cause.

By: 
MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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APPELLANT.

Appellate Case No. 2020-000133

CERTIFICATE OF SERVICE

I, Angela Brown, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion for Third Extension of Time to File Initial Brief of Respondent and Designation, and Certificate of Service has been forwarded to Appellant's counsel, Susan B. Hackett, Esquire, via email today, April 28, 2021 to shackett@sccid.sc.gov, and also to her assistant Kat Kasperski at kkasperski@sccid.sc.gov.

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

This 28th day of April, 2021.

s/Angela Brown
Angela Brown,
Legal Assistant to Julianna E. Battenfield,
Assistant Attorney General

Angela Brown

From: Angela Brown
Sent: Wednesday, April 28, 2021 5:36 PM
To: Susan Hackett (shackett@sccid.sc.gov); 'Kasperski, Katriel'
Cc: Julianna Battenfield
Subject: The State v. Samuel Burnside
Attachments: 02555806.pdf

Follow Up Flag: Worldox

Ms. Hackett, please find attached the State's Motion for Third Extension of Time to File Respondent's Initial Brief and Designation of Matter in the matter of The State v. Samuel Burnside. The motion will be filed with the South Carolina Court of Appeals on today's date.

Thank you,

Angela Bennett Brown
Administrative Coordinator
Criminal Division
(803) 734-0368

Office of the Attorney General
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