

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lexington County
Honorable R. Knox McMahon, Circuit Court Judge

RECEIVED

OCT 23 2017

SC Court of Appeals

THE STATE,

Respondent,

v.

JUSTIN ANTONIO BUTLER,

Appellant.

Appellate Case No. 2016-001269

**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 file the Initial Brief of Respondent in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due Friday, October 27, 2017, upon this Court's grant of Respondent's second request for an extension filed on October 3, 2017. Below counsel was assigned this Initial Brief of Respondent on September 13, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since September 22, 2017. Specifically,

1. Counsel filed the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Anthony M. Enriquez, Appellate Case No. 2016-002237, a Charleston

County direct appeal matter pending in the South Carolina Court of Appeals on September 22, 2017;

2. Counsel has participated in and has done a substantial amount of work in the matter of Stephen Corey Bryant, #5252 vs. State of South Carolina, Case No. 2016-CP-43-828, a Sumter County capital post-conviction relief matter, including preparation for a motions hearing scheduled to take place in Kershaw County on October 25, 2017;

3. Counsel is currently preparing the Order of Dismissal in the matter of Michael D. Watson vs. State of South Carolina, Case No. 2014-CP-41-144, a Saluda County post-conviction relief matter;

4. Counsel has prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Reginald Sheftall, Jr. vs. Aaron Joyner, C/A No. 8:17-1955-TMC-JDA. Said Return and Memorandum of Law in Support of Motion for Summary Judgment is scheduled to be filed on Wednesday, October 25, 2017;

5. Counsel has done a substantial amount of work preparing the Initial Brief of Respondent in this matter; and

6. Counsel has also been reviewing matters due to her involvement in the Office of the Attorney General's Appellate Decision Review Committee.

However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the Initial Brief of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby 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

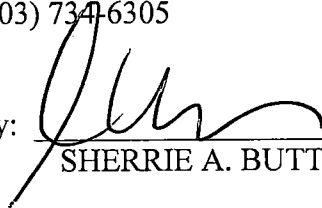
DONALD J. ZELENKA
Deputy Attorney General
No. 4425

MELODY J. BROWN
Senior Assistant Deputy Attorney General
No. 14244

SHERRIE A. BUTTERBAUGH
Assistant Attorney General
No. 101477

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

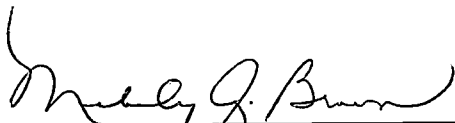
By:



SHERRIE A. BUTTERBAUGH

ATTORNEYS FOR RESPONDENT

October 23, 2017.



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

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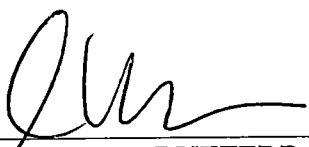
Appellate Case No. 2016-001269

PROOF OF SERVICE

I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a third extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Lara M. Caudy, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Ste. #401, Columbia, South Carolina 29201.

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

This 23rd day of October, 2017.



SHERRIE A. BUTTERBAUGH
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

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OCT 23 2017

SC Court of Appeals

October 23, 2017

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

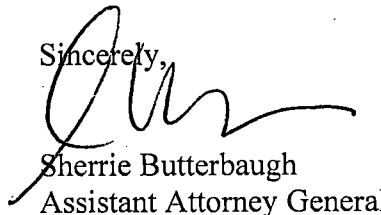
Re: *The State v. Justin Antonio Butler*
Appeal from Lexington County
Appellate Case No. 2016-001269
[Initial Brief of Respondent is due Friday, October 27, 2017]

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Third Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service in the above-referenced matter. The Initial Brief of Respondent and Designation of Matter is due to be filed on Friday, October 27, 2017. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,



Sherrie Butterbaugh
Assistant Attorney General

SB:dmd

Enclosures

cc: Lara M. Caudy, Esq. (w/two copies of encls.)