

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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RECEIVED  
NOV 27 2017  
SC Court of Appeals

THE STATE,

Respondent,

v.

JUSTIN ANTONIO BUTLER,

Appellant.

Appellate Case No. 2016-001269

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

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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 today, Monday, November 27, 2017, upon this Court's grant of Respondent's third request for an extension filed on October 23, 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 October 23, 2017. Specifically,

1. Counsel prepared for, participated in, and argued a motions hearing 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 heard in Kershaw County on October 25, 2017;

2. Counsel prepared 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 case pending in the Eleventh Circuit;

3. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the federal habeas corpus matter of Reginald Sheftall, Jr. vs. Aaron Joyner, C/A No. 8:17-1955-TMC-JDA, which was filed on Tuesday, October 24, 2017 and pending in the federal district court;

4. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the federal habeas matter of Chadwick Anderson vs. Warden, Perry Corr. Inst., C/A No. 1:17-2233-JMC-SVH, which was filed on Wednesday, November 1, 2017 and pending in the federal district court;

5. Counsel prepared the Final Brief of Respondent in the matter of State of South Carolina vs. Ronald Yates Hyatt, Appellate Case No. 2016-001872, which was filed on Tuesday, November 7, 2017 and currently pending in this Court;

6. Counsel prepared the Return in the matter of Jason Leaphart vs. State of South Carolina, Case No. 2017-CP-32-03216, a Lexington County post-conviction relief matter pending in the Eleventh Circuit, which was filed on Wednesday, November 8, 2017;

7. Counsel participated in a telephonic hearing and has done work in the federal habeas corpus matter of Bobby Wayne Stone vs. Stirling, et al., C/A No. 2:17-00136-MGL-MGB, a Sumter County capital case pending in the federal district court;

8. Counsel prepared the Final Brief of Respondent in the matter of State of South Carolina vs. Anthony M. Enriquez, Appellate Case No. 2016-002237, which was filed on Monday, November 20, 2017 and currently pending in this Court;

9. Counsel prepared the Return in the matter of Terry Manning vs. State of South Carolina, Case No. 2013-CP-35-00054, a McCormick County post-conviction relief matter pending in the Eleventh Circuit;

10. Counsel has done a substantial amount of work preparing the Initial Brief of Respondent in the matter of State of South Carolina vs. Michael Jay Finley, Appellate Case No. 2016-002480, due to be filed in this Court Thursday, November 30, 2017;

11. Counsel has also done a substantial amount of work preparing for an upcoming term of post-conviction relief court in the Eleventh Circuit set for the week of December 11, 2017, including contacting opposing counsel and witnesses, case review, and research, in six pending cases scheduled for hearings.

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

13. 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

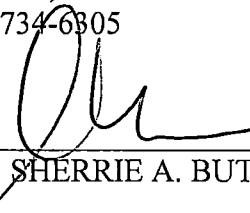
DONALD J. ZELENKA  
Deputy Attorney General  
No. 4425

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  
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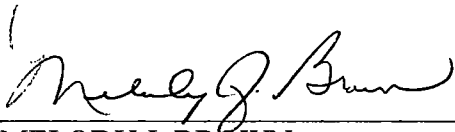
By:



SHERRIE A. BUTTERBAUGH

ATTORNEYS FOR RESPONDENT

November 27, 2017.



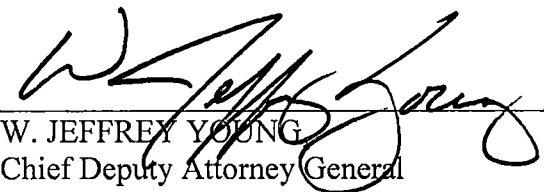
MELODY J. BROWN,  
Senior Assistant Deputy Attorney General

I support the finding of good cause.



DONALD J. ZELENKA  
Deputy Attorney General

I support the finding of good cause.



W. JEFFREY YOUNG  
Chief Deputy Attorney General

I support the finding of good cause.

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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**PROOF OF SERVICE**

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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 27<sup>th</sup> day of November, 2017.



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



ALAN WILSON  
ATTORNEY GENERAL

November 27, 2017

RECEIVED

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SC Court of Appeals

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

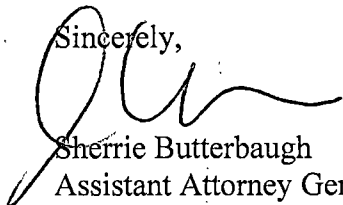
Re: *The State v. Justin Antonio Butler*  
Appeal from Lexington County  
Appellate Case No. 2016-001269

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. 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:trb

Enclosures

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