

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Pickens County  
Honorable Eugene C. Griffith, Circuit Court Judge

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**RECEIVED**  
JAN 02 2018  
SC Court of Appeals

THE STATE,

Respondent,

v.

MARCUS CHANNING JOHNSON,

Appellant.

Appellate Case No. 2017-000293

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**MOTION FOR SECOND 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, January 2, 2018, upon this Court's grant of Respondent's first request for an extension filed on November 29, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since December 1, 2017. Specifically,

1. Counsel filed the Motion for Summary Judgment and Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Mark Allen Elliott, #343763 vs. Aaron S. Joyner, Warden at Lee Correctional Institution, C/A No. 0:17-2745-PMD-

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PJG on December 11, 2017, a federal habeas action pending in the United States District Court for the District of South Carolina;

2. Counsel researched and reviewed the underlying facts in the federal habeas corpus matter of Cedric Flood, #217089 vs. Randall Williams, Warden, C/A No. 17-6777, to prepare a response to the United States Supreme Court filed on December 7, 2017;

3. Counsel also filed Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #21] in the matter of Chadwick Deon Anderson, #346881 vs. Warden, Perry Correctional Institution, C/A No. 1:17-2233-JMC-SVH on December 28, 2017;

4. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Justin Antonio Butler, Appellate Case No.: 2016-001269, a Lexington County direct appeal matter on December 29, 2017;

5. Counsel has done a substantial amount of 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;

6. Counsel prepared for the term of post-conviction relief court in the Eleventh Circuit which took place the week of December 11, 2017, including contacting opposing counsel and witnesses, writing proposed orders, and researching the underlying facts to prepare for evidentiary hearings in the matters of Scott W. Carr, #316318 vs. State of South Carolina, Case No. 2013-CP-32-2342; David L. Adams, #271989 vs. State of South Carolina, Case No. 2015-CP-32-1759; Terry Dale Manning, Jr., #352425 vs. State of South Carolina, Case No. 2013-CP-35-0054; Jason Leaphart, #345183 vs. State of South Carolina, Case No. 2017-CP-32-0155; and in Deshaun Antonio Drafts, #358211 vs. State of South Carolina, Case No. 2016-CP-32-00570, all matters currently pending in the Eleventh Circuit;

7. Counsel has also been preparing the Reply to Objections to Report and Recommendation [ECF #23] in the matter of Edmond Goodman, #271444 vs. Scott Lewis, C/A No. 0:17-553-TLW-PJG, a Williamsburg County federal habeas matter now pending in the United States District Court for the District of South Carolina;

8. Counsel is also preparing the Response to Motion to Dismiss Appeal in the matter of The State vs. Ronald Hakeem Mack, Appellate Case No. 2017-002441, a Williamsburg County direct appeal matter now pending in this court;

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

10. 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  
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Post Office Box 11549  
Columbia, South Carolina 29211  
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By: 

\_\_\_\_\_  
SHERRIE A. BUTTERBAUGH

ATTORNEYS FOR RESPONDENT

January 2, 2018.

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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 second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorney of record, Susan B. Hackett, Esq., SCID/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 2<sup>nd</sup> day of January, 2018.

  
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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

January 2, 2018

**RECEIVED**

JAN 02 2018

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. Marcus Channing Johnson*  
Appeal from Pickens County  
Appellate Case No. 2017-000293

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second 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:dmd

Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)