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STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

SEP 27 2017

SC Court of Appeals

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

THE STATE,

Respondent,

v.

JUSTIN ANTONIO BUTLER,

Appellant.

Appellate Case No. 2016-001269

MOTION FOR SECOND 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 today, September 27, 2017, upon this Court's grant of Respondent's first request for an extension filed on August 29, 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 August 28, 2017. Specifically,

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1. Counsel filed the Return in the matter of Deshaun A. Drafts, #358211 vs. State of South Carolina, Case No. 2016-CP-32-00570, a Lexington County post-conviction relief matter on August 28, 2017;

2. Counsel also filed the Return in the matter of Shawn Sharpe, #340383 vs. State of South Carolina, Case No. 2017-CP-32-00476, another Lexington County post-conviction relief matter on August 29, 2017;

3. Counsel filed the Respondent's Reply to Petitioner's Response in Opposition to Motion for Summary Judgment in the matter of Tommy Antwan Montgomery, #346324 vs. Warden, Lieber Correctional Institution, C/A No. 5:17-00790-JMC-KDW on August 31, 2017;

4. Counsel also filed the Final Brief of Respondent in the matter of The State vs. Tyrone Quick, Appellate Case No. 2016-00540, a Marlboro County direct appeal matter now pending before the South Carolina Court of Appeals on September 7, 2017;

5. Counsel filed the Respondent's Return to Petition for Writ of Certiorari in the matter of The State vs. David Lee Walker, Appellate Case No. 2017-001582, a Laurens County direct appeal matter now pending before the South Carolina Supreme Court on September 13, 2017;

6. Counsel filed the Initial Brief of Respondent and Designation of Matter in the matter of The State vs. Ronald Yates Hyatt, Appellate Case No. 2016-001872, a Lancaster County direct appeal matter pending in the South Carolina Court of Appeals on September 19, 2017;

7. 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;

8. 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;

9. 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;

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

11. 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

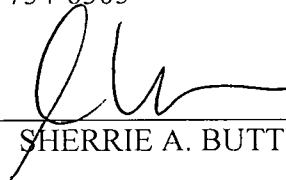
MELODY J. BROWN

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

September 27, 2017.

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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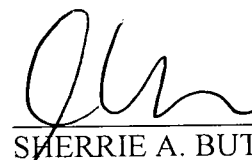
PROOF OF SERVICE

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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 second 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 September, 2017.



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



ALAN WILSON  
ATTORNEY GENERAL

RECEIVED

September 27, 2017

SEP 27 2017

SC Court of Appeals

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

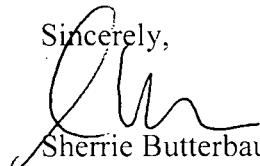
Re: *The State v. Justin Antonio Butler*  
Appeal from Lexington County  
Appellate Case No. 2016-001269

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's 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: Lara M. Caudy, Esq. (w/two copies of encls.)