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3rd AIB due 4/6/18

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Williamsburg County
Michael G. Nettles, Circuit Court Judge

RECEIVED
APR 06 2018
SC Court of Appeals

THE STATE,

Appellant,

v.

RONALD HAKEEM MACK,

Respondent.

Appellate Case No. 2017-002441.

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

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Initial Brief of Appellant in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following:

Appellant's Initial Brief is due today, April 6, 2018 as per this Court's Order dated March 9, 2018 granting Appellant's second extension request

The undersigned attorney for the Appellant has had a number of state and federal matters to attend since March 5, 2018. 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 David W. Watson,

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#334288 v. Warden, Lieber Correctional Institution, C/A No. 8:17-3079-DCC-JDA on March 5, 2018;

2. Counsel filed Respondent's Reply to Petitioner's Response to Motion for Summary Judgment in the matter of Mark Allen Elliott, #343763 vs. Aaron Joyner, C/A No. 0:17-02745-PMD-PJG also on March 5, 2018;

3. Counsel filed the Final Brief of Respondent in the matter of The State vs. Marcus Channing Johnson, Appellate Case No. 2017-000293, a Pickens County murder appeal matter on March 22, 2018;

4. Counsel filed the Respondent's Reply to Opposition in Response to Motion for Summary Judgment in the matter of David W. Watson, #334288 vs. Warden, Lieber Correctional Institution, C/A No. 8:17-3079-DCC-JDA on March 23, 2018;

5. Counsel prepared and forwarded proposed Orders of Dismissal on March 26, 2018 in the matters of Jimmy Christopher Burton, #198955 vs. State of South Carolina, Case No. 2016-CP-19-00038, an Edgefield County post-conviction relief matter; Shawn Sharpe, #340383 vs. State of South Carolina, Case No. 2017-CP-32-00476, a Lexington County post-conviction relief matter; and in James P. Robinson, #250720 vs. State of South Carolina, Case No. 2016-CP-41-00077, a Saluda County post-conviction relief matter;

6. Counsel filed the Respondent's Response to Objections to Magistrate's Report and Recommendation [ECF #30] in the matter of Chadwick Deon Anderson, #346881 vs. Warden, Perry Correctional Institution, C/A No. 1:17-2233-JMC on April 5, 2018;

7. Counsel is preparing for a term of post-conviction relief court in the Eleventh Judicial Circuit of the South Carolina state court which will take place beginning April 16, 2018, including writing proposed orders, contacting witnesses, and researching the underlying facts to

prepare for the conduct evidentiary and motion hearings in the matters of Kenneth M. Powers vs. State of South Carolina, Case No. 2010-CP-32-05065; Joseph Williams, #2337708 vs. State of South Carolina, Case No. 2016-CP-32-2125; David Walter Coon, #371019 vs. State of South Carolina, Case No. 2017-CP-19-135; and Stanley Ali Godbold, #371009 vs. State of South Carolina, Case No. 2017-CP-32-1809, both matters currently pending in the Eleventh Circuit; and,

8. Counsel has done a substantial amount of work preparing the Initial Brief of Appellant in this matter.

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 Appellant 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 Appellant and Designation of Matter.

Respectfully Submitted,

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By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

By: 

MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

April 6, 2018.

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PROOF OF SERVICE

I, Sherrie A. Butterbaugh, of counsel for the Appellant, certify that I have served two (2) copies of the within motion for a third extension to file Initial Brief of Appellant and Designation of Matter via U.S. mail to his attorney of record, Laura R. Baer, 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 6th day of April, 2018.



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