

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Clarendon County
The Honorable D. Craig Brown, Circuit Court Judge

THE STATE,

Respondent,

v.

JON PAUL SMART,

Appellant.

Appellate Case No. 2017-001754

RECEIVED
AUG 17 2018
SC Court of Appeals

**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 Monday, August 20, 2018 as per this Court's Order dated July 20, 2018 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since July 18, 2018. Specifically,

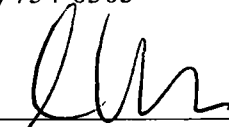
1. Currently counsel is preparing for a capital Post-Conviction Relief hearing in the matter of Jerry Buck Inman, #5256 v. State of South Carolina, 2012-CP-39-918, which is being

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

SHERRIE A. BUTTERBAUGH
Assistant Attorney General
No. 101477

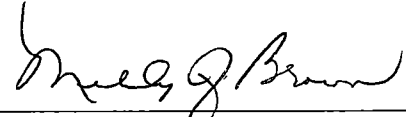
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

August 17, 2018.

I support the finding of good cause.

By: 

MELODY J. BROWN,
Senior Assistant Deputy Attorney General

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PROOF OF SERVICE

I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a third extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Joanna K. Delany, 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 17th day of August, 2018.



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



ALAN WILSON
ATTORNEY GENERAL

August 17, 2018

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

Re: *The State v. Jon Paul Smart*
Appeal from Clarendon County
Appellate Case No. 2017-001754

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. 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 AUG 17 2018

RECEIVED

SC Court of Appeals

SB:dmd

Enclosures

cc: Joanna K. Delany, Esq. (w/two copies of encls.)

held before the Honorable Alexander S. Macaulay in Pickens County on Monday, August 20, 2018;

2. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Thomas Robert Shewtzuk, Appellate Case No. 2016-001957, a Dorchester County murder appeal matter on July 25, 2018;

3. Counsel filed the Respondent's Reply to "Response to the Respondent's Return and Motion for Summary Judgment" in the matter of Ravell McLaughlin, #356142 vs. Aaron S. Joyner, Warden of Lee Correctional Institution, C/A No. 2:18-184-RBH-MGB on July 31, 2018;

4. Counsel also filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Bernard Dewberry, #278949 vs. Warden Williams, C/A No. 5:18-01315-AMQ-KDW on August 2, 2018;

5. Counsel filed the Final Brief of Respondent in the matter of The State vs. Terrell A. Smith, Appellate Case No. 2017-001178, a Charleston County murder appeal matter on August 7, 2018; and

6. Finally, counsel has also done a substantial amount of researching the issues related to this matter.

However, due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

Respectfully Submitted,

ALAN WILSON
Attorney General