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4th REB due 10/22/18

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Allendale County
The Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED
OCT 22 2018
SC Court of Appeals

THE STATE,

Respondent,

v.

ROBERT LEE MILLER, III,

Appellant.

Appellate Case No. 2017-001347

**MOTION FOR FOURTH 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. Counsel for Appellant has graciously consented to the request via email. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, October 22, 2018 as per this Court's Order dated September 26, 2018 granting Respondent's third extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since September 21, 2018. Specifically,

1. Counsel filed the Initial Reply Brief of Appellant in the matter of The State vs. Ronald Hakeem Mack, Appellate Case No. 2017-002441, a Williamsburg County direct appeal matter on September 24, 2018;

2. Counsel also prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Marshall Dewitt McGaha, #155836, a/k/a Marshall D. McGaha, Jr., a/k/a Marshall McGaha, #250923 vs. Bryan P. Stirling, C/A No. 6:18-1736-RMG-KFM, on September 26, 2018;

3. Counsel prepared for and researched issues related to a Post-Conviction Relief hearing held before the Honorable William H. Seals, Jr., in the matter of Stephen Corey Bryant, #5252 v. State of South Carolina, 2016-CP-43-828, a Sumter County capital case, in Florence County on Monday, October 1, 2018;

4. Counsel prepared the Respondent's Return to Petition for Writ of Habeas Corpus in the matter of Keonakamerah Postell vs. State of South Carolina, on October 4, 2018;

5. Counsel also prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Vashaun Ravenel, a/k/a Vashawn Ravenel vs. Charles Williams, C/A No. 9:18-2112-TLW-BM, on October 17, 2018;

6. Counsel filed Respondent's Reply to Objections to Report and Recommendation in the matter of Howard Lee Sims, #213525 vs. Warden S. Lewis, C/A No. 6:17-3344-AMQ-KFM on October 18, 2018;

7. Counsel presented oral argument before the South Carolina Supreme Court on behalf of the State in the matter of The State of South Carolina vs. Jalann Williams, a Charleston County murder appeal, on October 22, 2018;

8. Counsel has also done a substantial amount of researching the issues to prepare the Initial Brief of Respondent in the matter of The State vs. Jon Paul Smart, Appellate Case No. 2017-001754, a Clarendon County murder appeal matter currently pending in the South Carolina Court of Appeals and will be filed today, October 22, 2018;

9. Counsel is also preparing for an evidentiary hearing for Michael E. Williams, #283356 vs. State of South Carolina, 2018-CP-23-0131, a Greenville County post-conviction relief matter scheduled for October 24, 2018; and

10. 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,

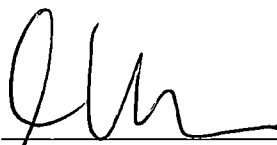
ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

SHERRIE A. BUTTERBAUGH
Assistant Attorney General
No. 101477

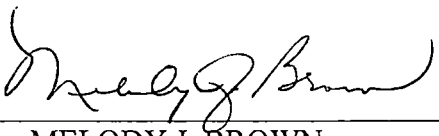
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

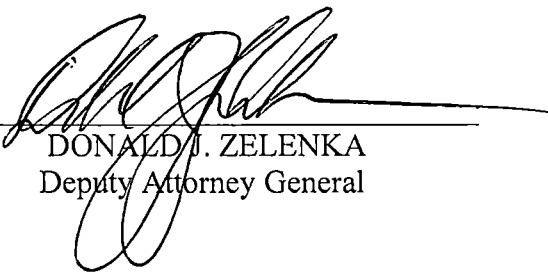
October 22, 2018.

I support the finding of good cause.

By: 

MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I also support the finding of good cause.

By: 

DONALD J. ZELENKA
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 fourth extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Susan B. Hackett 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 22nd day of October, 2018.



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



ALAN WILSON
ATTORNEY GENERAL

October 22, 2018

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

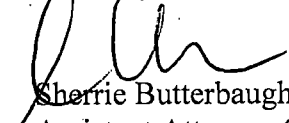
Re: *The State v. Robert Lee Miller, III*
Appeal from Allendale County
Appellate Case No. 2017-001347

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. Opposing counsel graciously consented to my request via email.

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.)

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OCT 22 2018
SC Court of Appeals

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