

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from York County
The Honorable Grace Gilchrist Knie, Circuit Court Judge

THE STATE,

RECEIVED
DEC 19 2018
SC Court of Appeals
Respondent,

v.

JOSHUA K. CRAMER,

Appellant.

Appellate Case No. 2017-002471

**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 today, December 19, 2018 as per this Court's Order dated November 26, 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 November 19, 2018. Specifically,

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee

Correctional Institution, C/A No. 2:18-1276-DCC-MGB on November 30, 2018;

2. Counsel filed the Respondent's Return to Petition for Writ of Supersedeas, and a Motion to Dismiss Notice of Appeal as Interlocutory on December 6, 2018 in the matter of The State vs. Miguel A. Cano, Appellate Case No. 2018-002077, a Greenville County murder appeal matter now pending in the South Carolina Court of Appeals;

3. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment [ECF #25] in the matter of Vashaun Ravenel, a/k/a Vashawn Ravenel vs. Charles Williams, C/A No. 9:18-2112-TLW-BM on December 10, 2018;

4. Counsel filed the Respondent's Reply to Objections to Report and Recommendation [ECF #30] in the matter of Frederick Van Anderson, #344239 vs. Warden Scott Lewis, C/A No. 5:18-00682-JMC-KDW, also on December 10, 2018;

5. Counsel filed the Respondent's Reply to Motion for Access to Law Library and Other Grievances, and Motion for Copies 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 December 12, 2018;

6. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Sammy K. Cowan, #214656 vs. Bryan Stirling, et al., C/A No. 6:18-02827-TLW-KFM on December 12, 2018;

7. Counsel filed Respondent's Motion to Conform Deadlines in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC-MGB on December 17, 2018;

8. Counsel is currently preparing a response to Petitioner's Motion to Amend his Petition for Writ of Habeas Corpus, Motion to Stay Pending Exhaustion of State Remedies, and

Opposition to Motion to Dismiss in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC-MGB due to be filed in the District Court of South Carolina on December 21, 2018;

9. Counsel is also preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Louis Sanders vs. Warden, Perry Corr. Inst., C/A No. 9:18-2783-MGL-BM due to be filed in the District Court of South Carolina on December 21, 2018;

10. Counsel is researching legal issues in advance of a motions hearing in the matter of Stephen Corey Bryant, #5252 v. State of South Carolina, 2016-CP-43-828, a capital post-conviction relief case, currently scheduled to be heard in Horry County before the Honorable William H. Seals, Jr., on December 21, 2018; and,

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

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

December 19, 2018.

I support the finding of good cause.



Ben Aplin, Senior Assistant Deputy Attorney General

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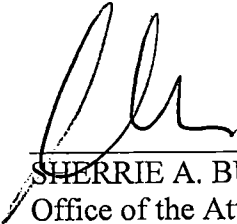
Appellate Case No. 2017-002471

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, 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 19th day of December, 2018.



SHERRIE A. BUTTERBAUGH
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Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

December 19, 2018

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DEC 19 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. Joshua K. Cramer*
Appeal from York County
Appellate Case No. 2017-002471

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

SB:dmd

Enclosures

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

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