

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE,

Respondent,

v.

JOSHUA K. CRAMER,

Appellant.

**RECEIVED**

JAN 18 2019

SC Court of Appeals

Appellate Case No. 2017-002471

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**MOTION FOR FOURTH EXTENSION OF TIME TO FILE  
INITIAL BRIEF OF RESPONDENT AND  
DESIGNATION OF MATTER**

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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. Opposing counsel has graciously consented to this request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, January 18, 2019 as per this Court's Order dated December 20, 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 December 19, 2018. Specifically,

1. Counsel filed the Final Brief of Respondent in the matter of The State vs. Jon Paul

Smart, Appellate Case No. 2017-001754, a Clarendon county murder appeal matter now pending in the South Carolina Court of Appeals on December 20, 2018;

2. Counsel filed the Respondent's Replies to Opposition to Motion to Dismiss; Motion to Amend; and Motion to Stay in Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC-MGB on December 20, 2018;

3. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Louis Sanders, #164301 vs. Warden, Perry Correctional Institution, C/A No. 9:18-2783-MGL-BM on December 21, 2018;

4. Counsel spent a substantial amount of time 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, which took place in Horry County before the Honorable William H. Seals, Jr. on December 21, 2018;

5. Counsel filed the Respondent's Reply to Return to Dismiss Appeal as Interlocutory 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 on December 27, 2018;

6. Counsel filed the Respondent's Response to Objections to Report and Recommendation in the matter of Nathaniel Murray, #313891 vs. Warden Stephan, C/A No. 0-18-960-TLW, also on December 27, 2018;

7. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Robert Lee Miller, III, Appellate Case No. 2017-001347, an Allendale County murder appeal matter now pending in the South Carolina Court of Appeals on January 2, 2019;

8. Counsel filed the Return and Memorandum of Law in Support of Motion for

Summary Judgment in the matter of Gregory Fitzgerald Young, #362732 vs. Scott Lewis, C/A No. 5:18-3046-RMG-KDW on January 3, 2019;

9. Counsel filed the Respondent's Reply to Motion to Stay in the matter of Ronald Lance, #310167 vs. Aaron Joyner, C/A No. 9:18-2500-HMH-BM, also on January 3, 2019;

10. Counsel filed the Respondent's Reply to Objections to Report and Recommendation in the matter of Ravell McLaughlin, #356142 v. Aaron S. Joyner, Warden of Lee Correctional Institution, C/A No. 2:18-184-RBH on January 4, 2019;

11. Counsel prepared the Joint Status report in the capital Federal Habeas matter of Bobby Wayne Stone vs. Stirling, et al., C/A No. 2:17-01221-MGL-MGB on January 7, 2019;

12. Counsel filed the Respondent's Reply to "Response to Motion of Summary Judgment and Return" in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC-MGB on January 11, 2019;

13. Counsel prepared and sent to the Honorable Alex Kinlaw, Jr., on January 14, 2019, a proposed Order of Dismissal in the matter of Jerald D. Gaskins, Jr., #362923, vs. State of South Carolina, 2017-CP-23-5901, a post-conviction relief case currently pending in Greenville County;

14. Counsel filed Respondent's Reply to Motion for Subpoena to Order Production of Pictures and Other Evidence 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 January 16, 2019; and

15. 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

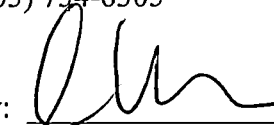
DONALD J. ZELENKA  
Deputy Attorney General

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

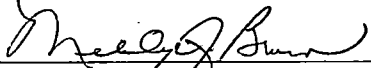
By:



\_\_\_\_\_  
SHERRIE A. BUTTERBAUGH  
ATTORNEYS FOR RESPONDENT

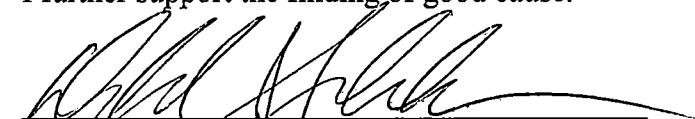
January 18, 2019.

I support the finding of good cause.



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Melody J. Brown,  
Senior Assistant Deputy Attorney General

I further support the finding of good cause.



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Donald J. Zelenka  
Deputy Attorney General

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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THE STATE,

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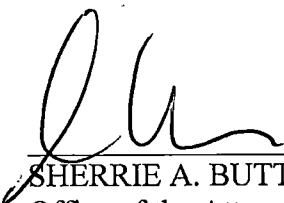
**PROOF OF SERVICE**

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I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the 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 18<sup>th</sup> day of January, 2019.

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



ALAN WILSON  
ATTORNEY GENERAL

January 18, 2019

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

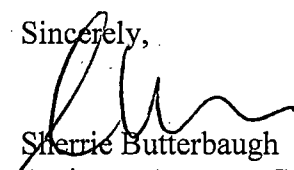
Re: *The State v. Joshua K. Cramer*  
Appeal from York County  
Appellate Case No. 2017-002471

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Fourth Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Counsel for Appellant has consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

  
Sherrie Butterbaugh  
Assistant Attorney General

**RECEIVED**

JAN 18 2019

SC Court of Appeals

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