

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Laurens County
The Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

v.

ARTHUR JASON BOWERS,

Appellant.

Appellate Case No. 2018-000868

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

Respondent's Initial Brief is due today, March 21, 2019 as per this Court's Order dated February 25, 2019 granting Respondent's first extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 19, 2019. Specifically,

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1. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Joshua K. Cramer, a York County murder appeal matter also pending in the South Carolina Court of Appeals on February 19, 2019;

2. Counsel filed the Respondent's Response to Motion for Discovery and Production of Documents in the matter of George Williams v. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on February 20, 2019;

3. Counsel also filed Respondent's Response to Motion to Amend in the matter of George Williams v. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on February 20, 2019;

4. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Anthony Tyre, #343149 vs. Scott Lewis, Warden, C/A No. 4:19-23-TMC-TER on February 28, 2019;

5. Counsel also prepared for and attended a status conference in the matter of Bobby Wayne Stone vs. State of South Carolina, C/A No. 2018-CP-43-1025, a capital Sumter County capital matter on February 28, 2019 before the Honorable Michael Gary Nettles in York County, and prepared for a second telephone status conference in the same matter on March 6, 2019 before Judge Nettles;

6. Counsel also filed a return to a Rule 59(e), SCRCP, motion 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, on March 1, 2019;

7. Counsel also helped prepare and file a Proposed Order in the matter of Andrew E. Torrence, Jr. vs. State of South Carolina, 2015-CP-32-01993, a Lexington County post-conviction relief matter on Friday, March 15, 2019;

8. Counsel filed the Final Brief of Respondent in the matter of The State vs. Joshua K. Cramer, Appellate Case No. 2017-002471, a York County murder appeal matter now pending before the South Carolina Court of Appeals also on March 15, 2019;

9. Counsel filed the Respondent's Response to Objections to Report and Recommendation in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC on March 18, 2019; and

10. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Gregory Fitzgerald Young, #362732 vs. Scott Lewis, C/A No. 5:18-3046-RMG-KDW today, March 21, 2019.

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
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By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

March 21, 2019.

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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 second 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 21st day of March, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

March 21, 2019

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

Re: *The State v. Arthur Jason Bowers*
Appeal from Laurens County
Appellate Case No. 2018-000868

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second 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

SB:dmd

Enclosures

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

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SC Court of Appeals