

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Spartanburg County
The Honorable Edward W. Miller, Circuit Court Judge

THE STATE OF SOUTH CAROLINA,

Respondent,

v.

ERIC DALE MORGAN,

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MAY 24 2019
Appellate
SC Court of Appeals

Appellate Case No. 2018-001465

**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, Friday, May 24, 2019 as per this Court's Order dated April 29, 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 April 24, 2019. Specifically,

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Allen Gathing, vs. Warden, Broad River Correctional Institution, C/A No. 0:19-504-DCN-PJG on April 26, 2019;
2. Counsel prepared and filed the Joint Status Report in the matter of Bobby Wayne Stone, vs. Bryan P. Stirling, Commissioner, et al., C/A No. 2:17-cv-01221-MGL-MGB on May 7, 2019, a Sumter County capital habeas corpus action currently pending in federal court;
3. Counsel filed the Final Brief of Respondent in the matter of State of South Carolina vs. Cory Lamont Sparkman, Appellate Case No. 2018-000172, a Charleston County murder direct appeal matter on May 8, 2019;
4. Counsel also prepared and filed the Initial Brief of Respondent in the matter of State of South Carolina vs. Arsenio D. Colclough, Appellate Case No. 2016-000724, a Sumter County murder direct appeal matter on May 15, 2019;
5. Counsel filed Respondent's Reply to Petitioner's Response in Opposition to the Motion for Summary Judgment to the Amended Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Louis Sanders, #164301 vs. Warden, Perry Corr. Inst., C/A No. 9:18-2783-MGL-BM on May 20, 2019;
6. Counsel also filed the Initial Brief of Respondent and Designation of Matter in State of South Carolina vs. Arthur Jason Bowers, Appellate Case No. 2018-000868, a Laurens County murder direct appeal matter, in the South Carolina Court of Appeals, on May 22, 2019;
7. Counsel is preparing the Return to Motion Pursuant to 59(a) and 59(e) in the matter of Andrew E. Torrence, Jr., #346350, v. State of South Carolina, 2015-CP-32-01933, a Lexington County post-conviction relief matter, to be filed May 28, 2019;

8. Counsel is reading the record in the matter of Kenneth Jowan Craig vs. Warden Lieber Correctional Institution, C/A No. 6:19-624-JFA-KFM to prepare the Return and Memorandum of Law in Support of Motion for Summary Judgement which is currently due to be filed on June 20, 2019; and,

9. Counsel has done a significant amount of work researching the issues related to appellant's direct appeal in preparation for writing the Initial Brief of Respondent. However, due to counsel's involvement in these and other matters pending in state and federal court, counsel is unable to timely complete the initial brief in this proceeding.

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

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(803) 734-6305

By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

May 24, 2019.

STATE OF SOUTH CAROLINA
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Appeal from Spartanburg County
The Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

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v.

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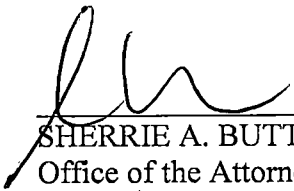
SC Court of Appeals

PROOF OF SERVICE

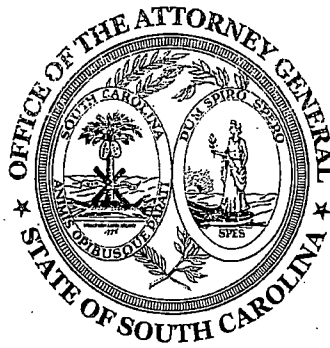
I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file the Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Lindsey S. Vann, Esq., Justice 360, 900 Elmwood Avenue, Suite #200, Columbia, South Carolina 29201 and Hannah Freedman, Esq., Justice 360, 900 Elmwood Avenue, Suite #200, Columbia, South Carolina 29201.

I further certify that all parties required by Rule to be served have been served.

This 24th day of May, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

May 24, 2019

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

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SC Court of Appeals

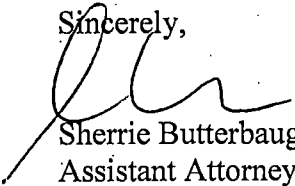
Re: *The State v. Eric Dale Morgan*
Appeal from Spartanburg County
Appellate Case No. 2016-001465

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. Opposing counsel has graciously consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,


Sherrie Butterbaugh
Assistant Attorney General

SB:dmd

Enclosures

cc: Lindsey Sterling Vann, Esq. (w/two copies of encls.)
Hannah Freedman, Esq. (w/two copies of encls.)