

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,

Appellant.

Appellate Case No. 2018-001465

**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. 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, Monday, June 24, 2019 as per this Court's Order dated May 30, 2019 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 24, 2019. Specifically,

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1. Counsel researched, prepared, and filed a Return to the Motion Pursuant to Rule 59(a) and (e), SCRPC, 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 May 28, 2019;

2. Counsel prepared for and attended a motion hearing and status conference in the matter of Bobby Wayne Stone vs. State of South Carolina, C/A No. 2018-CP-43-1025, a Sumter County capital matter on May 30, 2019 before the Honorable William P. Keesley at the Sumter County Courthouse;

3. Counsel filed the Reply to Petitioner's Objections to the Report and Recommendation in the matter of David Anthony Tyre, #343149 vs. Scott Lewis, Warden, C/A No. 4:19-23-TMC-TER on June 3, 2019, a federal habeas corpus matter currently pending in the United States District Court District of South Carolina;

4. Counsel prepared and filed the Motion for Summary Judgment and Return and Memorandum to Petition for Writ of Habeas Corpus in the matter of Timothy Johnson v. Aaron S. Joyner, C/A No. 5:18-cv-00683-DCC-KDW on June 7, 2019;

5. Counsel attended two days of trial in Lexington County, June 10 and 11, 2019, to observe the capital case being tried by the Honorable Eugene C. Griffith, Jr., as part of her duties in the Capital Collateral Litigation Division;

6. Counsel also prepared and filed the Reply to Response to Motion for Summary Judgment in the matter of Keith Letmon, #214137 v. Warden, McCormick Correctional Institution, C/A No. 4:19-cv-00078-TLW-TER, on June 13, 2019, a federal habeas corpus matter currently pending in the United States District Court District of South Carolina;

7. Counsel prepared and filed the Response to the Motion to Dismiss in the matter of Allen Gathing vs. Warden, Broad River Correctional Institution, C/A No. 0:19-504-DCN-PJG,

on June 19, 2019, a federal habeas corpus matter currently pending in the United States District Court District of South Carolina;

8. Counsel also prepared and filed the Motion for Summary Judgment and Return and Memorandum to Petition for Writ of Habeas Corpus in the matter of Kenneth Jowan Craig vs. Warden, Lieber Correctional Institution, C/A No. 6:19-624-JFA-KFM, on June 20, 2019;

9. Counsel has been finalizing the Final Brief of Respondent in the matter of State of South Carolina vs. Arthur Jason Bowers, Appellate Case No. 2018-000868, a Laurens County murder direct appeal matter due to be filed in the South Carolina Court of Appeals on July 1, 2019; and,

10. Counsel has also done a substantial amount of work researching the issues related to the Initial Brief of Respondent in 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 Re-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

June 24, 2019.

I support the finding of good Cause

By: 

Melody Jane Brown
Senior Assistant Deputy Attorney General

STATE OF SOUTH CAROLINA
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THE STATE,

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PROOF OF SERVICE

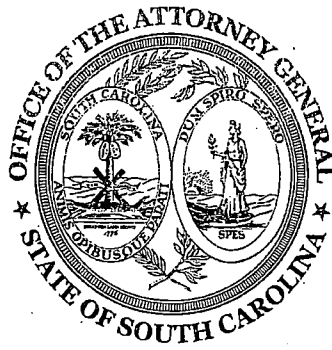
I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a third extension to file the Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Lindsey S. Vann, Esq., Justice 360, 900 Elmwood Avenue, 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 June, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

June 24, 2019

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

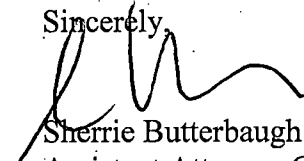
Re: *The State v. Eric Dale Morgan*
Appeal from Spartanburg County
Appellate Case No. 2016-001465

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Third 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:br
Enclosures

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

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