

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County  
The Honorable Markley Dennis, Circuit Court Judge

Appellate Case No. 2014-002181

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RECEIVED

MAY 23 2016

SC Court of Appeals

THE STATE,

Respondent,

vs.

MARQUIS MCDONALD,

Appellant.

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**MOTION FOR SECOND 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. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, May 23, 2016, upon this Court's grant of Respondent's first request for an extension filed on May 4, 2016.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since April 22, 2016. Specifically,

1. Counsel prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Brian Sturgeon v. Warden, Perry Correctional Institution, C/A No.: 5:15-04784-HMH-KDW on April 29, 2016;

2. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Mark McCoy, #210705 vs. Warden Cartledge, C/A No.: 4:16-638-HMH-TER on May 2, 2016;

3. Counsel prepared a Reply in Opposition to Petitioner's Response to Motion for Summary Judgment in Victor Costellos Penny, #316219 vs. Joseph McFadden, C/A No.: 2:15-04817-PMD-MGB on May 12, 2016;

4. Counsel also prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Carius Kenta Lomas, #262660 vs. Warden Perry Correctional Institution, C/A No.: 5:16-00398-MGL-KDW today, May 23, 2016; and

5. Counsel has also spent a significant amount of time reviewing the transcript and researching the issue in preparation for drafting the Initial Brief of Respondent in this matter.

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 of Respondent in this proceeding. Thus, counsel is requesting an extension of time in which to file the Initial Brief in this matter. This request is made in good faith, and not for the purposes of delay.

WHEREFORE, premises considered, counsel hereby respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

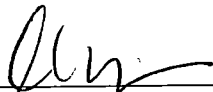
ALAN WILSON  
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No. 4425

SHERRIE A. BUTTERBAUGH  
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By:   
SHERRIE A. BUTTERBAUGH

ATTORNEYS FOR RESPONDENT

May 23, 2016.

**STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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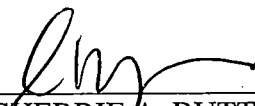
**PROOF OF SERVICE**

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I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the within motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to his attorneys of record, Nicholas Daniel Mermiges, Esq., Law Offices of Nick Mermiges, LLC, 1720 Main Street, Suite 202, Columbia, South Carolina 29201; and to Robert Dudek, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201-3332.

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

This 23<sup>rd</sup> day of May, 2016.

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



ALAN WILSON  
ATTORNEY GENERAL

May 23, 2016

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

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MAY 23 2016  
SC Court of Appeals

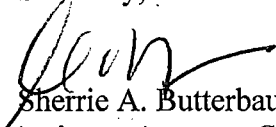
Re: *The State v. Marquis McDonald*  
Appeal from Horry County  
Appellate Case No. 2014-002181

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, May 23, 2016. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am enclosing an original and six (6) copies of a Motion for Second Extension of Time to File Initial Brief of Respondent and Designation of Matter. Counsel for Appellant has consented to this extension request.

Sincerely,

  
Sherrie A. Butterbaugh  
Assistant Attorney General

SB/dmd

Enclosures

cc: Nicholas D. Mermiges, Esq. (w/two copies of encls.)  
Robert M. Dudek, Esq. (w/two copies of encls.)