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

Appeal from Anderson County  
The Honorable R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2015-001900

**RECEIVED**

THE STATE,

JUL 08 2016

Respondent,

**SC Court of Appeals**

vs.

BOBBY JOE ARFLIN,

Appellant.

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

Respondent's Initial Brief is due today, July 8, 2016, upon this Court's grant of Respondent's first request for an extension filed on June 17, 2016.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since June 8, 2016. Specifically,

1. Counsel prepared the Respondent's Notice of the Return of Served Documents in the matter of Troy Lee Robinson vs. Warden John Pate, C/A No. 5:15-04287-DCN-KDW on June 8, 2016;

2. Counsel presented oral argument before the South Carolina Court of Appeals on behalf of the State in the matter of The State vs. Maurice Alphonso Roberts, Jr., a Richland County murder appeal matter on June 15, 2016;

3. Counsel prepared the Respondent's reply to a Motion for Declaratory Judgment in the matter of Victor Costellos Penny vs. Joseph McFadden, C/A No. 2:15-04817-PMD-MGB on June 22, 2016;

4. Counsel prepared the Respondent's reply to Response to Summary Judgment and Return in the matter of John Allen Hagood, #0123067 vs. Warden, Perry Correctional Institution, C/A No. 2:15-4163-RBH-MGB on June 29, 2016;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Derrick Marcell Hollingsworth, #265683 vs. Joseph McFadden, Warden, C/A No. 6:16-1213-RMG-KFM yesterday, July 7, 2016;

6. Counsel has spent time reviewing the transcript and researching the issues in preparation for drafting the Initial Brief of Respondent in State vs. Marquis McDonald, a direct appeal in an Horry County murder case now pending before the South Carolina Court of Appeals; and

7. 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  
Attorney General

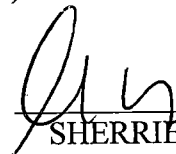
JOHN W. McINTOSH  
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DONALD J. ZELENKA  
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No. 4425

SHERRIE A. BUTTERBAUGH  
Assistant Attorney General  
No. 101477

Post Office Box 11549  
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(803) 734-6305

By:

  
\_\_\_\_\_  
SHERRIE A. BUTTERBAUGH

ATTORNEYS FOR RESPONDENT

July 8, 2016.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Anderson County  
The Honorable R. Scott Sprouse, Circuit Court Judge

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Appellate Case No. 2015-001900

THE STATE,

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vs.

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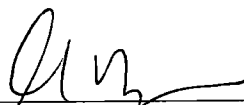
Appellant.

PROOF OF SERVICE

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 attorney of record, Sarah Ganss Drawdy, Esq., Byrholdt Drawdy, LLC, The Regency Bldg., 2315 N. Main Street, Ste. #117, Anderson, South Carolina 29621.

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

This 8<sup>th</sup> day of July, 2016.

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



ALAN WILSON  
ATTORNEY GENERAL

July 8, 2016

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JUL 08 2016

SC Court of Appeals

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

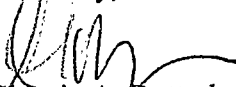
Re: *The State v. Bobby Joe Arflin*  
Appeal from Anderson County  
Appellate Case No. 2015-001900

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, July 8, 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: Sarah Ganss Drawdy, Esq. (w/two copies of encls.)