

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
Larry B. Hyman, Jr., Circuit Court Judge

RECEIVED

APR 12 2017

SC Court of Appeals

THE STATE,

Respondent,

v.

ROBERT CARL WARE,

Appellant.

Appellate Case No. 2016-000133

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, April 12, 2017, upon this Court's grant of Respondent's first request for an extension filed on March 15, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 13, 2017. Specifically,

1. Counsel prepared the Final Brief of Respondent in the Richland County murder appeal matter of The State vs. Holly Jo Thompson, Appellate Case No. 2016-000340 on March 29, 2017;

2. Counsel has prepared the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Kenneth D. Smith, #297395 vs. Warden Scott Lewis, C/A No. 6:17-408-JMC-KFM, and will be filing same on April 19, 2017;

3. Counsel is currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Roy Lynch, #270223, a/k/a Roy David McDowell v. Leroy Cartledge, C/A No. 6:16-3939-RBH-KFM which is scheduled to be filed on April 21, 2017;

4. Counsel is also currently preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Edmond Goodman, #271444 vs. Scott Lewis, C/A No. 0:17-553-TLW-PJG, which is scheduled to be filed on April 28, 2017; 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
Attorney General

J. ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

No. 4425

SHERRIE A. BUTTERBAUGH
Assistant Attorney General
No. 101477

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By:



SHERRIE A. BUTTERBAUGH

ATTORNEYS FOR RESPONDENT

April 12, 2017.

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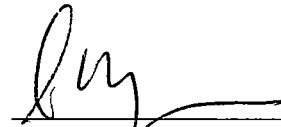
Appellate Case No. 2016-000133

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, Robert M. Dudek, Esq., SCID/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 12th day of April, 2017.



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



ALAN WILSON
ATTORNEY GENERAL

April 12, 2017

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

Re: *The State v. Robert Carl Ware*
Appeal from Horry County
Appellate Case No. 2016-000133

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, April 12, 2017. 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 requesting this extension within which to serve and file the Initial Brief of Respondent and Designation of Matter. I am informing opposing counsel of my request by copy of this letter.

Sincerely,

Sherrie Butterbaugh
Assistant Attorney General

SB:dmd

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

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SC Court of Appeals