

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Marlboro County
Honorable Michael G. Nettles, Circuit Court Judge

RECEIVED
JUN 22 2017
SC Court of Appeals

THE STATE,

Respondent,

v.

TYRONE QUICK,

Appellant.

Appellate Case No. 2016-00540

**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, June 22, 2017, upon this Court's grant of Respondent's first request for an extension filed on May 24, 2017.

The undersigned attorney for the Respondent has had a number of state and federal matters to attend since May 23, 2017. Specifically,

1. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Shondray Lamont Martin, #222785 vs. Warden, McCormick Correctional Institution, C/A No. 2:17-978-RBH-MGB on June 7, 2017;

2. Counsel has participated in and has done a substantial amount of work in the matter of Stephen Corey Bryant, #5252 vs. State of South Carolina, Case No. 2016-CP-43-828, a Sumter County capital post-conviction relief matter;

3. Counsel has also prepared and filed the Return to Application for Post-Conviction Relief in the Lexington County matter of Jason Leaphart vs. State of South Carolina, Case No. 2017-CP-32-00155 on June 15, 2017;

4. Counsel filed Respondent's Reply to Opposition and Traverse to Motion for Summary Judgment [ECF #42] in the matter of Jose Reyes Arevalos, #351024 vs. Warden Joseph McFadden, C/A No. 0:16-3322-TMC-PJG on June 16, 2017;

5. Counsel also filed a Reply to Response in opposition to Motion for Summary Judgment [ECF #26] in the matter of David Roy Lynch a/k/a Roy David McDowell, #270223 vs. Leroy Cartledge, C/A No. 6:16-3939-RBH-KFM today, June 22, 2017;

6. Counsel has completed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Phillip Spears, #297965 vs. Warden of Perry Correctional Institution, C/A No. 6:17-777-JMC-KFM, which is scheduled to be filed on Monday, June 26, 2017; and

7. Counsel has also been reviewing matters due to her involvement in the Office of the Attorney General's Appellate Decision Review Committee.

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

DONALD J. ZELENKA
Deputy Attorney General
No. 4425

SHERRIE A. BUTTERBAUGH
Assistant Attorney General
No. 101477

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(803) 734-6305

By:



SHERRIE A. BUTTERBAUGH

ATTORNEYS FOR RESPONDENT

June 22, 2017.

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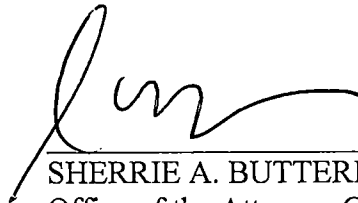
Appellate Case No. 2016-00540

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 22nd day of June, 2017.



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



ALAN WILSON
ATTORNEY GENERAL

June 22, 2017

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

Re: *The State v. Tyrone Quick*
Appeal from Marlboro County
Appellate Case No. 2016-00540

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. I am informing opposing counsel of my request by copy of this letter.

Thank you for your assistance in this matter.

Sincerely,

Sherrie Butterbaugh
Assistant Attorney General

SB:dmd

Enclosures

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

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