

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Appeal from Charleston County  
Kristi Lea Harrington, Circuit Court Judge

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**RECEIVED**  
APR 18 2018  
SC Court of Appeals

THE STATE,

Respondent,

v.

TERRELL ARTIETH SMITH,

Appellant.

Appellate Case No. 2017-001178

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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. Counsel for Appellant graciously consented to the request via email. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief is due today, April 18, 2018 as per this Court's Order dated March 21, 2018 granting Respondent's first extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 19, 2018. Specifically,

1. Counsel filed the Final Brief of Respondent in the matter of The State vs. Marcus Channing Johnson, Appellate Case No. 2017-000293, a Pickens County murder appeal matter on March 22, 2018;

2. Counsel filed the Respondent's Reply to Opposition in Response to Motion for Summary Judgment in the matter of David W. Watson, #334288 vs. Warden, Lieber Correctional Institution, C/A No. 8:17-3079-DCC-JDA, a federal habeas corpus case pending in United States District Court District of South Carolina, on March 23, 2018;

3. Counsel prepared and forwarded proposed Orders of Dismissal on March 26, 2018 in the matters of Jimmy Christopher Burton, #198955 vs. State of South Carolina, Case No. 2016-CP-19-00038, an Edgefield County post-conviction relief matter; Shawn Sharpe, #340383 vs. State of South Carolina, Case No. 2017-CP-32-00476, a Lexington County post-conviction relief matter; James P. Robinson, #250720 vs. State of South Carolina, Case No. 2016-CP-41-00077, a Saluda County post-conviction relief matter; Robert A. Baker, #341795 vs. State of South Carolina, Case No. 2012-CP-32-1112, a Lexington County post-conviction relief matter; and in Steven A. Dubose, #253422 vs. State of South Carolina, an Edgefield County post-conviction relief matter;

4. Counsel filed the Respondent's Response to Objections to Magistrate's Report and Recommendation in the matter of Chadwick Deon Anderson, #346881 vs. Warden, Perry Correctional Institution, C/A No. 1:17-2233-JMC, a federal habeas corpus case pending in United States District Court District of South Carolina, on April 5, 2018;

5. Counsel prepared for and participated in a status conference in the matter of Stephen Corey Bryant, #5252 vs State of South Carolina, a capital post-conviction relief matter pending in Sumter County;

6. Counsel prepared for a term of post-conviction relief court in the Eleventh Judicial Circuit of the South Carolina state court which began April 16, 2018, including contacting and coordinating witnesses, researching the underlying facts of cases, and developed arguments to prepare for and conduct hearings in the matters of Kenneth M. Powers vs. State of South Carolina, Case No. 2010-CP-32-05065; Joseph Williams, #2337708 vs. State of South Carolina, Case No. 2016-CP-32-2125; Stanley Ali Godbold, #371009 vs. State of South Carolina, Case No. 2017-CP-32-1809; and in Andrew E. Torrence, Jr., #346350 vs. State of South Carolina, all matters currently pending in the Eleventh Circuit;

7. Counsel has done a significant amount of work preparing the Initial Brief of Appellant in the matter of The State vs. Ronald Hakeem Mack, Appellate Case No. 2017-002441, a Williamsburg County re-sentencing appeal in a murder case; and,

8. Counsel has also done a substantial amount of work researching the issues related to 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. Therefore, 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, counsel respectfully requests a thirty (30) day extension of time to serve and file the Initial Brief of Respondent and Designation of Matter.

Respectfully Submitted,

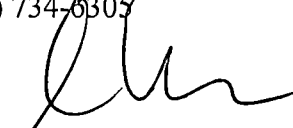
ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

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

April 18, 2018.

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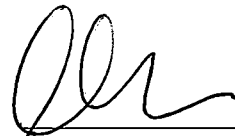
Appellate Case No. 2017-001178.  
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**PROOF OF SERVICE**  
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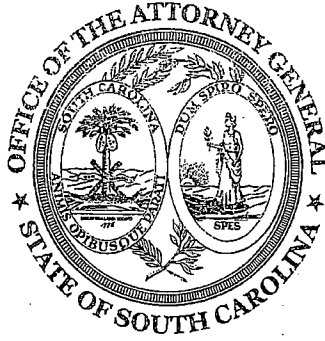
I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Lara M. Caudy, Esq., SCID/Division of Appellate Defense, 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 18<sup>th</sup> day of April, 2018.



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



ALAN WILSON  
ATTORNEY GENERAL

April 18, 2018

RECEIVED

APR 18 2018

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. Terrell Artieth Smith*  
Appeal from Charleston County  
Appellate Case No. 2017-001178

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Second Motion for Extension of Time to File Initial Brief of Respondent, together with Proof of Service, in the above-referenced matter. Opposing counsel previously, and graciously, consented to the request via email.

Thank you for your assistance in this matter.

Sincerely,

  
Sherrie Butterbaugh  
Assistant Attorney General

SB

Enclosures

cc: Lara M. Caudy, Esq. (w/ two copies of encls.)