

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Charleston County
Kristi Lea Harrington, Circuit Court Judge

RECEIVED
MAY 18 2018
SC Court of Appeals

THE STATE,

Respondent,

v.

TERRELL ARTIETH SMITH,

Appellant.

Appellate Case No. 2017-001178

**MOTION FOR THIRD 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. 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, May 18, 2018 as per this Court's Order dated April 24, 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 April 18, 2018. Specifically,

1. 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;

2. Counsel prepared and forwarded the proposed Orders of Dismissal on April 30, 2018 in the matters of Kenneth M. Powers, #15472-171 vs. State of South Carolina, Case No. 2010-CP-32-5065; and in Joseph L. Williams, #237708 v. State of South Carolina, Case No. 2016-CP-32-1962, both Lexington County post-conviction relief matters;

3. Counsel filed the Initial Brief of Appellant in the matter of The State vs. Ronald Hakeem Mack, Appellate Case No. 2017-002441, a Williamsburg County direct appeal matter now pending in the South Carolina Court of Appeals on May 7, 2018;

4. Counsel has also done a substantial amount of work preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Howard Lee Sims, #213525 vs. Warden S. Lewis, C/A No. 6:17-3344-AMQ-KFM, a federal habeas corpus case currently pending in the United States District Court in the District of South Carolina;

5. Counsel has also done a substantial amount of work preparing the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Ravell McLaughlin, #356142 vs. Aaron S. Joyner, Warden of Lee Corr'l Institution, C/A No. 2:18-cv-184-RBH-MGB, a federal habeas corpus case currently pending in the United States District Court in the District of South Carolina;

6. Counsel has also prepared and researched issues related to Stephen Corey Bryant,

#5252 vs. State of South Carolina, a capital post-conviction relief matter pending in Sumter County following a status conference; and,

7. 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. 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

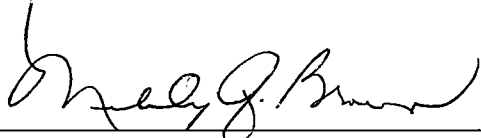
MELODY J. BROWN
Senior Assistant Deputy Attorney General

SHERRIE A. BUTTERBAUGH
Assistant Attorney General
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Columbia, South Carolina 29211
(803) 734-6305

By: 

SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT



MELODY J. BROWN,
Senior Assistant Deputy Attorney General

I support the finding of good cause.

May 18, 2018.

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PROOF OF SERVICE

I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a third 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 18th day of May, 2018.



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



ALAN WILSON
ATTORNEY GENERAL

May 18, 2018

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

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SC Court of Appeals

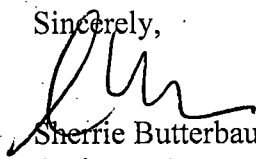
Re: *The State v. Terrell Artieth Smith*
Appeal from Charleston County
Appellate Case No. 2017-001178

Dear Ms. Kitchings:

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

Thank you for your assistance in this matter.

Sincerely,


Sherrie Butterbaugh
Assistant Attorney General

SB:dmd

Enclosures

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

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