

STATE OF SOUTH CAROLINA  
In the Court of Appeals

\_\_\_\_\_  
Appeal from Dorchester County  
The Honorable Maite Murphy, Circuit Court Judge

**RECEIVED**

JUN 25 2018

SC Court of Appeals

THE STATE,

Respondent,

v.

THOMAS ROBERT SHEWTZUK,

Appellant.

Appellate Case No. 2016-001957

\_\_\_\_\_  
**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. 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, Monday, June 25, 2018 as per this Court's Order dated May 31, 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 May 23, 2018. Specifically,

1. Counsel prepared and filed 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 on May 23, 2018;

2. Counsel prepared and filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Frederick Van Anderson, #344239 vs. Warden Scott Lewis, C/A No. 5:18-00682-JMC-KDW, another federal habeas corpus case on May 29, 2018;

3. Counsel also prepared and filed 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-KDW, another federal habeas corpus case currently pending in the United States District Court in the District of South Carolina on June 8, 2018;

4. 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. Counsel also prepared for and attended a motions hearing before the Honorable William H. Seals, Jr. in Horry County in this matter on Tuesday, June 12, 2018;

5. Counsel filed the Respondent's Response to Amendment to Petitioner's Objection to Magistrate's Report and Recommendation in the matter of Reginald C. Sheftall, Jr., #348974, a/k/a Riegnald C. Sheftall vs. Aaron S. Joyner, Warden, C/A No. 8:17-1955-TMC on June 14, 2018;

6. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Terrell Artieth Smith, Appellate Case No. 2017-001178, a Charleston County direct appeal matter now pending in the South Carolina Court of Appeals on June 18, 2018;

7. Counsel has also done a significant amount of work researching the issues in preparation to help write the Return in Bobby Wayne Stone vs. Brian P. Stirling, et al., C/A No. 2:18-cv-01221-MGL-MGB, a capital federal habeas corpus case currently pending in the United States District Court in the District of South Carolina;

8. 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 Nathaniel Murray, #313891 vs. Warden Stephan, C/A No. 0:18-960-TLW-PJG; and,

9. 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,

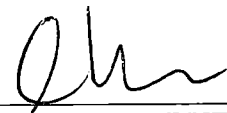
ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
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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

June 25, 2018.

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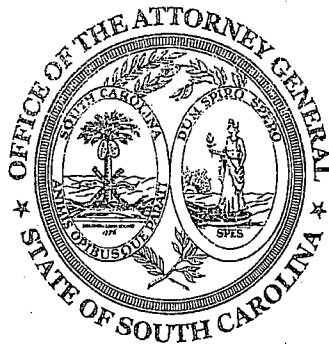
\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I, Sherrie A. Butterbaugh, of counsel for the Respondent, certify that I have served two (2) copies of the motion for a second extension to file Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Susan B. Hackett, Esq., SCCID/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 25<sup>th</sup> day of June, 2018.

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



ALAN WILSON  
ATTORNEY GENERAL

June 25, 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

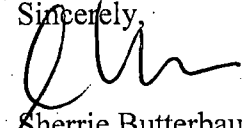
Re: *The State v. Thomas Robert Shewtzuk*  
Appeal from Dorchester County  
Appellate Case No. 2016-001957

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 has consented to this extension request.

Thank you for your assistance in this matter.

Sincerely,

  
Sherrie Butterbaugh  
Assistant Attorney General

SB:dmd

Enclosures

cc: Susan B. Hackett, Esq. (w/two copies of encls.)

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