

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Sumter County
The Honorable W. Jeffrey Young, Circuit Court Judge

THE STATE,

Respondent,

v.

ARSENIO D. COLCLOUGH,

Appellant.

RECEIVED
MAR 15 2019
SC Court of Appeals

Appellate Case No. 2016-000724

**MOTION FOR SECOND EXTENSION OF TIME TO FILE
RE-BRIEF OF RESPONDENT AND
DESIGNATION OF MATTER**

The undersigned counsel would respectfully request a thirty (30) day extension in which to file the Re-Brief of Respondent in the above-referenced case. Opposing counsel has graciously consented to the request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Re-Brief is due today, Friday, March 15, 2019 as per this Court's Order dated February 21, 2019 granting Respondent's first extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since February 13, 2019. Specifically,

1. Counsel filed the Final Brief of Respondent in the matter of The State vs. Robert Lee Miller, III, Appellate Case No. 2017-001347, an Allendale County murder appeal matter now pending before the South Carolina Court of Appeals on February 13, 2019;

2. Counsel filed the Initial Brief of Respondent in the matter of The State vs. Joshua K. Cramer, a York County murder appeal matter also pending in the South Carolina Court of Appeals on February 19, 2019;

3. Counsel filed the Respondent's Response to Motion for Discovery and Production of Documents [ECF #22] in the matter of George Williams v. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on February 20, 2019;

4. Counsel also filed Respondent's Response to Motion to Amend [ECF #21] in the matter of George Williams v. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on February 20, 2019;

5. Counsel filed the Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of David Anthony Tyre, #343149 vs. Scott Lewis, Warden, C/A No. 4:19-23-TMC-TER on February 28, 2019;

6. Counsel also prepared for and attended a status conference in the matter of Bobby Wayne Stone vs. State of South Carolina, C/A No. 2018-CP-43-1025, a capital Sumter County capital matter on February 28, 2019 before the Honorable Michael Gary Nettles in York County, and prepared for a second telephone status conference in the same matter on March 6, 2019 before Judge Nettles;

7. Counsel also filed a return to a Rule 59(e), SCRCF, motion in the matter of Jerald D. Gaskins Jr., #362923 vs. State of South Carolina, 2017-CP-23-5901, a post-conviction relief case currently pending in Greenville County, on March 1, 2019;

8. Counsel has also done a substantial amount of work researching and preparing the Proposed Order in the matter of Andrew E. Torrence, Jr. vs. State of South Carolina, 2015-CP-32-01993, a Lexington County post-conviction relief matter which is currently due today, March 15, 2019;

9. Counsel was out of the office on Annual Leave on Wednesday, March 13, 2019 and Thursday, March 14, 2019; and

10. Counsel filed the Final Brief of Respondent in the matter of The State vs. Joshua K. Cramer, Appellate Case No. 2017-002471, a York County murder appeal matter now pending before the South Carolina Court of Appeals today, March 15, 2019.

Due to counsel's involvement in these and other matters, counsel is unable to timely complete the Initial Brief of Respondent.

WHEREFORE, counsel respectfully requests a thirty (30) day extension of time to serve and file the Re-Brief of Respondent and Designation of Matter. This request is made in good faith, and not for the purposes of delay.

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

March 15, 2019.

By:



SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
In the Court of Appeals

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The Honorable W. Jeffrey Young, Circuit Court Judge

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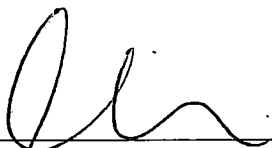
Appellate Case No. 2016-000724

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 the Re-Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Robert M. Dudek, 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 15th day of March, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

March 15, 2019

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

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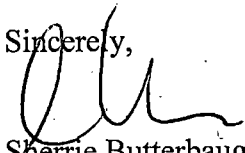
Re: *The State v. Arsenio D. Colclough*
Appeal from Sumter County
Appellate Case No. 2016-000724

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 the Re-Brief of Respondent, together with Proof of Service, in the above-referenced matter. Counsel for Appellant has graciously consented to this extension request.

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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