

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

Appellate Case No. 2016-000724

**MOTION FOR THIRD 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, Monday, April 15, 2019 as per this Court's Order dated April 5, 2019 granting Respondent's second extension request. The undersigned attorney for the Respondent has had a number of state and federal matters to attend since March 15, 2019. Specifically,

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1. 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 on March 15, 2019;

2. Counsel prepared and filed the State's 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 on March 15, 2019;

3. Counsel filed the Respondent's Response to Objections to Report and Recommendation in the matter of Romeo Anthony Brown, #185544 vs. Warden of Lee Correctional Institution, C/A No. 2:18-1276-DCC, a federal habeas matter now pending in the United States District Court for the District of South Carolina on March 18, 2019;

4. Counsel filed the Respondent's Reply to Response in Opposition to Motion for Summary Judgment in the matter of Gregory Fitzgerald Young #362732 vs. Scott Lewis, C/A No. 5:18-3046-RMG-KDW on March 21, 2019;

5. Counsel also filed Respondent's Amended Motion for Summary Judgment and Amended Return and Memorandum of Law in Support of Amended Motion in the matter of George Williams, #191416 vs. Randall Williams, Warden, C/A No. 9:18-3031-DCN-BM on March 28, 2019;

6. Counsel filed the Reply to Response in Opposition to Motion for Summary Judgment in the federal habeas matter of Curtis Brent Gorny vs. Randall Williams, Warden of Lieber Correctional Institution, C/A No. 9:18-cv-3444-RMG-BM, on March 29, 2019;

7. Counsel prepared for and argued the matter of The State vs. Michael J. Finley, before the South Carolina Court of Appeals, Appellate Case No. 2016-002480, a Greenville County murder appeal on April 2, 2019;

8. Counsel prepared for and argued the matter of The State vs. Anthony M. Enriquez, before the South Carolina Court of Appeals, Appellate Case No. 2016-002480, a Charleston County murder appeal, also on April 2, 2019;

9. Counsel filed the Motion for Summary Judgment, and Return and Memorandum of Law in Support of Motion Summary Judgment in the matter of Keith Letmon, #214137 vs. Warden, McCormick Correctional Institution, C/A No. 4:19-78-TLW-TER on April 3, 2019;

10. Counsel also filed Respondent's Reply to Response in Opposition to 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 April 5, 2019;

11. Counsel filed the Amended Motion for Summary Judgment, and Respondent's Amended Return and Memorandum of Law in Support of Motion for Summary Judgment in the matter of Louis Sanders, #164301 vs. Warden, Perry Corr. Inst., C/A No. 9:18-2783-MGL-BM on April 5, 2019;

12. Counsel filed Initial Brief of Respondent and Designation of Matter in the matter of The State v. Cory Sparkman, Appellate Case No. 2018-000172, a Charleston County murder appeal on April 10, 2019

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

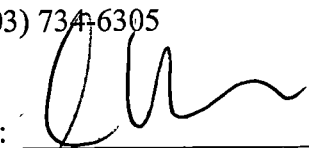
DONALD J. ZELENKA
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MELODY J. BROWN
Senior Assistant Deputy Attorney General

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

April 15, 2019.

I support the finding of good cause.

By: 
MELODY J. BROWN

Senior Assistant Deputy Attorney General

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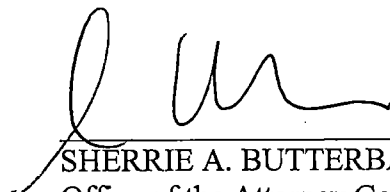
PROOF OF SERVICE

SC Court of Appeals

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 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 April, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

April 15, 2019

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

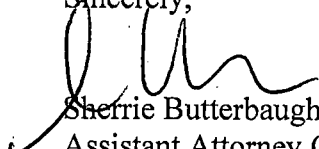
Re: *The State v. Arsenio D. Colclough*
Appeal from Charleston County
Appellate Case No. 2016-002237

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 Re-Brief of Respondent, together with Proof of Service, in the above-referenced matter. Opposing counsel has graciously consented to the request.

Thank you for your assistance in this matter.

Sincerely,


Sherrie Butterbaugh
Assistant Attorney General

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