

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
The Honorable Thomas W. Cooper

THE STATE OF SOUTH CAROLINA,

Respondent,

v.

MELEKE D. STEWART,

Appellate Case No. 2018-001916

**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. Opposing counsel was informed of the request via email and graciously consented to the second extension request. In support of this motion, counsel would respectfully show the Court the following:

Respondent's Initial Brief and Designation of Matter is due today, Monday, August 12, 2019 as per this Court's Order dated July 15, 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 July 15, 2019. Specifically,

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SC Court of Appeals

1. Counsel prepared and distributed to opposing counsel the Proposed Order of Dismissal in the matter of Michael E. Roscoe, #23470 vs. State of South Carolina, 2016-CP-32-00476, a Lexington County post-conviction relief matter on July 10, 2019, and sent the Order to the Honorable J. Cordell Maddox on July 18, 2019;

2. Counsel prepared and filed a Motion for Summary Judgment and Return and Memorandum of Law in Support of Summary Judgment in the federal habeas corpus matter of Wayne Wells, Jr. vs. Terrie Wallace, C/A No. 2:19-cv-1284-JFA-MGB, on July 18, 2019;

3. Counsel also prepared and filed the Return to Petition for Rehearing in the matter of The State vs. Jalann Williams, Appellate Case No. 2017-000727, on July 18, 2019, a Charleston County murder appeal currently before the South Carolina Supreme Court;

4. Counsel filed a response in opposition to a Motion to Appoint Counsel in the matter of Nathaniel Murray vs. Warden Stephan, C/A No. 19-6357, a federal habeas corpus matter currently pending in United States Court of Appeals for the Fourth Circuit, on July 26, 2019;

5. Counsel wrote the Return to a Petition for Writ of Certiorari in the matter of The State vs. Justin Antonio Butler, Appellate Case No. 2019-001071, a Lexington County murder direct appeal currently before the South Carolina Supreme Court, filed on July 29, 2019;

6. Counsel filed the Reply to "Objection to Magistrate Ruling" and a motion for an extension of time in the matter of Marshall D. McGaha, #250923 vs. Bryan P. Stirling, C/A No. 6:18-1736-RMG-KFM, a federal habeas corpus matter currently pending in the United States District Court District of South Carolina, on July 31, 2019;

7. Counsel prepared the Return to Petition for Rehearing in the matter of The State vs. Michael Jay Finley, Appellate Case No. 2016-002480, an appeal currently pending before this Court, and due to be filed today, August 12, 2019;

8. Counsel also wrote and prepared a Response to petitioner's Rule 59(e), Motion in the matter of Frederick Van Anderson vs. Warden Scott Lewis, C/A No. 5:18-cv-00682-JMC, a federal habeas corpus case, due to be filed today, August 12, 2019;

9. Counsel was out of the office due to an illness from Monday, July 15, 2019 through Tuesday, July 16, 2019, and;

10. Counsel has also done a substantial amount of work researching the issues related to this case, but has been unable to complete the Initial Brief of Respondent. 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 Initial 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

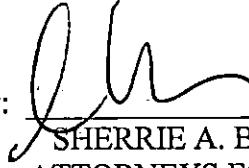
MELODY J. BROWN
Senior Assistant Deputy Attorney General

SHERRIE A. BUTTERBAUGH
Assistant Attorney General
No. 101477

Post Office Box 11549

Columbia, South Carolina 29211
(803) 734-6305

By:



SHERRIE A. BUTTERBAUGH
ATTORNEYS FOR RESPONDENT

August 12, 2019.

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Horry County
The Honorable Thomas W. Cooper

THE STATE OF SOUTH CAROLINA,

v.

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Appellant.

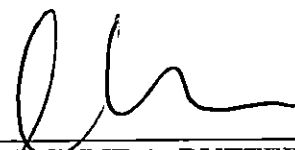
Appellate Case No. 2018-001916

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 Initial Brief of Respondent and Designation of Matter via U.S. mail to Appellant's attorney of record, Tommy Arthur Thomas, Esq., P. O. Box 88, Irmo, South Carolina 29063.

I further certify that all parties required by Rule to be served have been served.

This 12th day of August, 2019.



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



ALAN WILSON
ATTORNEY GENERAL

August 12, 2019

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

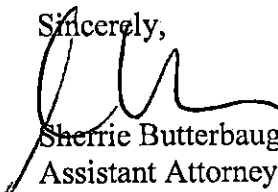
Re: *The State v. Meleke Da 'Shawn Stewart*
Appeal from Horry County
Appellate Case No. 2018-001916

Dear Ms. Kitchings:

I hereby request an extension of thirty (30) days in which to file the Initial Brief of Respondent and Designation of Matter in the above-referenced case. The Initial Brief is currently due to be served and filed today, August 12, 2019. However, because of my involvement in other matters in state and federal court, I have been unable to timely complete the Initial Brief.

Therefore, I am requesting this extension within which to serve and file the Initial Brief of Respondent and Designation of Matter. Opposing counsel graciously consented to the request via email today.

Sincerely,


Sherrie Butterbaugh
Assistant Attorney General

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SB:brb

cc: Tommy A. Thomas, Esquire