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Aug 08 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

PHILLIP RICHARD KNIGHTON,

APPELLANT.

APPELLATE CASE NO. 2021-001048

MOTION FOR AN EXTENSION OF TIME TO
SERVE AND FILE THE INITIAL BRIEF OF APPELLANT
AND DESIGNATION OF MATTER

Counsel for Phillip Richard Knighton respectfully requests a **fourth and final thirty (30) day extension from August 8, 2022 until September 7, 2022**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in the above-referenced case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a fourth request for an extension. In support of this request, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter in this case are due to be served and filed with the Court today.
2. Counsel for Phillip Richard Knighton respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the

number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

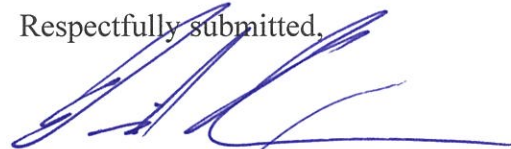
3. Counsel filed the brief of appellant and designation of matter in the case of The State v. Derrick Jajuan Rivera with the Court of Appeals on July 27, 2022. Counsel filed the return to petition for rehearing in the case of The State v. Sylvester Ferguson III with the Court of Appeals on June 27, 2022. Counsel was out of the office due to an illness from Monday, June 20, 2022, until Friday, June 24, 2022. Counsel had an oral argument in The State v. Johnathan Lamar Hillary before the Court of Appeals on June 15, 2022. Counsel was a speaker on proposed orders and Rule 59(e), motions at the IDCA Post-Conviction Relief CLE on June 10, 2022, at the office of the Commission on Indigent Defense.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

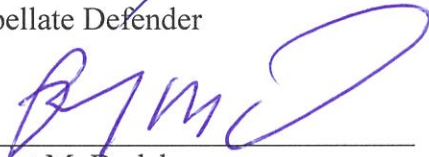
5. On July 27, 2022, opposing counsel, the Attorney General's Office, graciously consented to this extension request by way of general consent granted in writing, by Deputy Attorney General Donald J. Zelenka for all Appellate Defense extensions through August 31, 2022.

WHEREFORE, the undersigned counsel would respectfully request a **fourth and final thirty (30) day extension from August 8, 2022 until September 7, 2022**, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case based upon the above exigent circumstances.

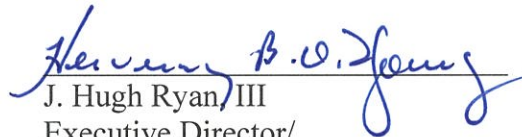
Respectfully submitted,



David Alexander
Appellate Defender



Robert M. Dudek
Chief Appellate Defender



J. Hugh Ryan, III
Executive Director/
Hervy B. O. Young
Deputy Director and General Counsel/
W. Lawrence Brown
Deputy General Counsel and Training Director

This 8th day of August, 2022.

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APPELLATE CASE NO. 2021-001048

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion for Extension in the above-referenced case has been served upon William M. Blich, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 8th day of August, 2022.



David Alexander
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Matthews, Lindsey](#)
To: ["Wblitch@scag.gov"](mailto:Wblitch@scag.gov)
Cc: [Caroline Collins](#); [Alexander, David](#)
Subject: 2021-001048 The State v. Phillip Richard Knighton
Date: Monday, August 8, 2022 12:38:00 PM
Attachments: [2021-001048 The State v. Phillip Richard Knighton - Motion for Fourth Extension.pdf](#)

Attached please find a Motion for a Fourth Extension which will be filed with the Court of Appeals today in the above-referenced case.

Thank you.

Sincerely,
Lindsey M. Matthews
Administrative Assistant
SC Commission on Indigent Defense
Appellate Division
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P.O. Box 11589
Columbia, SC 29201
Phone: (803) 734-1330