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Aug 21 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenwood County
The Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case No: 2022-001156

STATE OF SOUTH CAROLINA,

Respondent,

vs.

PHILLIP FRANKLIN DERRICK,

Appellant.

**MOTION FOR A FOURTH EXTENSION OF TIME WITHIN WHICH
TO SERVE AND FILE INITIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTER**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

The Initial Brief of Respondent and Designation of Matter in this matter are due to be served and filed today, August 14, 2023.

II.

Pursuant to RE: Extension Requests in Criminal Direct Appeals and Post-Conviction Relief Certiorari Proceedings: Order of the South Carolina Supreme Court dated March 18, 2009, the State moves for a **fourth** extension in the above-referenced criminal appeal and asks for an additional thirty days to complete the brief in this case. In the 30 days since the last extension was requested, the undersigned counsel has filed a Petition For Rehearing in Mack

Washington v. State (2018-000182), a Brief of Respondent in State v. Adam Rowell (2022-000571), an Initial Brief Of Respondent and Designation Of Matter in State v. Andres Fernando Posso (2022-001396), and a Return To Petition For Writ Of Certiorari and Brief of Respondent Pursuant To White v. State in Markese East v. State (2022-000557).

III.

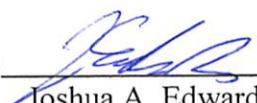
The undersigned counsel submits this extension request is supported by extraordinary circumstances and is not intended for purposes of delay. The undersigned counsel is currently working on the Brief in this case and intends to have it finished in a timely manner. However, the undersigned counsel has not yet been able to finish the Brief due to a heavy workload. Accordingly, in order to ensure the Brief is properly researched and prepared, I would therefore request an additional extension of time within which to serve and file the Brief.

WHEREFORE, Respondent prays that the Court extend the deadline for the service and filing of the Initial Brief of Respondent and Designation of Matter in this case for thirty days from the date such relief is granted; hold the matter in abeyance pending a ruling on Respondent’s motion; and grant such other and further relief as the Court may deem just and proper.

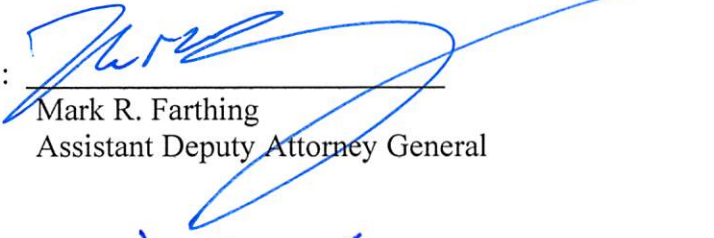
Respectfully submitted,

ALAN WILSON
Attorney General

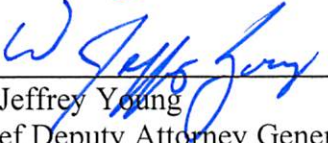
JOSHUA A. EDWARDS
Assistant Attorney General

By: 
Joshua A. Edwards
S.C. Bar Number 101188

I have reviewed and approved this extension request.

By: 

Mark R. Farthing
Assistant Deputy Attorney General

By: 

W. Jeffrey Young
Chief Deputy Attorney General

August 14, 2023

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PROOF OF SERVICE

I, Anne Mueller, certify I have served the within Motion For A Fourth Extension Of Time Within Which To Serve And File The Initial Brief Of Respondent And Designation Of Matter on William G. Yarborough, III, Esquire, and Lauren C. Hobbis, Esquire, both counsel of record for the Appellant, by sending one copy by electronic mail to the address listed for each counsel in AIS.

I further certify all parties required by Rule to be served have been served.
This 14th day of August 2023.



Anne Mueller
Legal Assistant

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(803) 734-3727