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Sep 11 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Dorchester County

Brooks P. Goldsmith, Circuit Court Judge

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IN THE MATTER OF THE CARE AND  
TREATMENT OF PERRY GUSTUS PHILLIPS,

APPELLANT

APPELLATE CASE NO. 2022-001804

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

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Counsel for Perry Gustus Phillips respectfully requests a thirty (30) day extension from September 11, 2023, until October 11, 2023, in which to serve and file the Initial Brief of Appellant and Designation of Matter in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third 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 today.
2. Counsel is currently preparing for an oral argument in the Supreme Court in the death penalty case of Marion Lindsey v. The State on September 12, 2023. Counsel filed the Brief

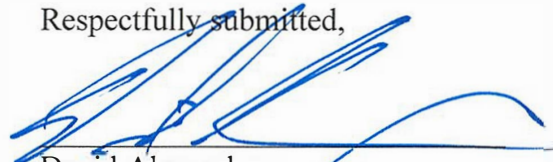
of Respondent in the case of In The Matter of the Care and Treatment of Ronald MJ Gregg with the Supreme Court on August 14, 2023. Counsel filed the Petition for Writ of Certiorari and Appendix in the case of Mitchell Cheatham v. The State with the Supreme Court on August 14, 2023. On July 21, 2023, Counsel attended and was a speaker at a CLE

3. This request is made in good faith, and not for purposes 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.

4. On September 1, 2023, 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 September 30, 2023.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension from September 11, 2023, until October 11, 2023. Counsel respectfully requests that the time limits for filing the Initial Brief of Appellant and Designation of Matter be held in abeyance pending a ruling on this motion.

Respectfully submitted,



David Alexander  
Appellate Defender



Robert M. Dudek  
Chief Appellate Defender

This 11th day of September, 2023.

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**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
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Appeal from Dorchester County

Honorable Brooks P. Goldsmith, Circuit Court Judge

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IN THE MATTER OF THE CARE AND  
TREATMENT OF PERRY GUSTUS PHILLIPS,

APPELLANT

APPELLATE CASE NO. 2022-001804

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CERTIFICATE OF SERVICE

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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 Deborah R.J. Shupe, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 11th day of September, 2023.



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David Alexander  
Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Pollard, Shelby](#)  
**To:** [dshupe@scag.gov](mailto:dshupe@scag.gov); [Sally Ellison](#)  
**Cc:** [Alexander, David](#)  
**Subject:** 2022-001804 In The Matter of Perry Gustus Phillips - Third Motion for Extension  
**Date:** Monday, September 11, 2023 9:22:00 AM  
**Attachments:** [2022-001804 In The Matter of Perry Gustus Phillips Third Motion for Extension.pdf](#)

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Good Morning,

Please find attached for service in the above-referenced case the Third Motion for Extension in which to serve and file the Initial Brief of Appellant and Designation of Matter. This extension will be filed today, September 11, 2023, with the Court of Appeals via email filing.

Thank you,  
Shelby

**Shelby Pollard**

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